

**SUPREME COURT OF INDIA**

Rajasthan State Electricity Board

Vs.

Brij Mohan Parihar

(S.Saghir Ahmed and S. R. Babu JJ.)

21.02.2000

**ORDER**

**S. SAGHIR AHMAD, J.**

1. Leave granted.
2. We have heard learned Counsel for the parties.
3. The respondent was an employee of the Rajasthan State Electricity Board. He submitted his letter of resignation on October 10, 1983 in which it was mentioned that the resignation will be effective from November 25, 1983. The learned single Judge and the Division Bench, both have recorded a finding that the respondent offered himself for duty on August 22, 1987 through his letter of even date. It was then that the Board made an order dated August 24, 1987 accepting the letter of resignation with effect from November 25, 1983 and treating the respondent as relieved from the forenoon of November 25, 1983. The learned single Judge and the Division Bench of the High Court have further held that a formal letter accepting the resignation should have been issued and since it was not done, the respondent shall be deemed to have continued in service till August 22, 1987 when he reported to resume his duties.
4. We are not inclined to subscribe to this view. The respondent tendered his resignation vide his letter dated October 10, 1983 in which it was mentioned clearly that the resignation would be effective from November 25, 1983. He absented himself from duty for four years from that date and reported only on August 22, 1987. This conduct itself on the part of the respondent is sufficient to indicate that he treated himself to have resigned from the post which he was holding, with effect from November 25, 1983, particularly when he himself thereafter demanded payment of gratuity and other post-retirement benefits.
5. Having regard to the circumstances of the case, the finding could not have been recorded by the learned single Judge or the Division Bench that the respondent shall be deemed to be continuing in service till August 22, 1987.
6. That being so, we allow the appeal, set aside the judgments passed by the single Judge and the Division Bench. In the particular circumstances of the case, the respondent shall be treated to have resigned from the post in question with effect from November 25, 1983. All retirement benefits as

admissible under the rules shall be paid to him by the appellant Board possibly within three months.

7. There will be no order as to costs.