



**205            IN THE HIGH COURT OF PUNJAB AND HARYANA  
                 AT CHANDIGARH**

**CWP-18285-2020  
DECIDED ON: 17.07.2026**

**MANINDER PAL SINGH**

**.....PETITIONER**

**VERSUS**

**STATE OF PUNJAB AND OTHERS**

**.....RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.**

Present: Mr. Narinder Pal Sharma, Advocate for the petitioner.

Mr. Siddharth Sandhu, AAG, Punjab.

Mr. Rajinder Goyal, Advocate and  
Mr. Amarjeet Singh, Advocate for respondents no. 3 and 4.

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**SANDEEP MOUDGIL, J (ORAL)**

**Prayer:**

1.            The jurisdiction of this court has been invoked under Articles 226/227 of the Constitution seeking quashing of order dated 12.09.2019 (Annexure P-12) issued by respondent no. 4 declining technical resignation of the petitioner with a further prayer seeking acceptance of technical resignation of the petitioner so as to enable him to get the benefit of past service.

**Brief Facts**

2.            The petitioner was appointed as Ahlmad with respondent No.4 vide appointment letter dated 03.01.2017 and joined service on 09.01.2017. Prior thereto,



he had already applied for the post of Clerk pursuant to an advertisement issued by the Punjab State Subordinate Services Selection Board in August, 2016.

3. During his service, the petitioner informed the respondents about his participation in the recruitment process by submitting applications seeking leave to appear in the written examination and counselling. Upon his selection and allocation to the Department of Technical Education, he applied for issuance of a No Objection Certificate (NOC) to enable him to join the new post. However, the request was declined, and he was informed that if he intended to join the new department, he would have to resign from his existing post.

4. Thereafter, the petitioner submitted an application dated 09.08.2019 (Annexure P-10) requesting that his resignation be treated as a technical resignation in terms of the Government Instructions dated 19.02.2016 (Annexure P-13), so that the benefit of his past qualifying service could be protected. As the joining period in the new department was expiring, he tendered his resignation, which was accepted on 03.09.2019, and he joined respondent No.2 as Clerk on 04.09.2019.

5. Subsequently, vide the impugned order dated 12.09.2019 (Annexure P-12), the respondents declined the petitioner's request for treating his resignation as a technical resignation on the ground that he had not fulfilled the conditions prescribed under the Government Instructions dated 19.02.2016 (Annexure P-13). Aggrieved thereby, the petitioner has approached this Court seeking quashing of the said order and a direction to the respondents to treat his resignation as a technical resignation with all consequential service benefits.

***Contentions******On behalf of the Petitioner***

6. Learned counsel for the petitioner contends that the petitioner had applied for the post of Clerk prior to joining the post of Ahlmad and had, during the course of his service, repeatedly informed the respondents about his participation in the recruitment process by seeking leave to appear in the written examination and counselling. It is argued that upon his selection in another Government department, the petitioner sought issuance of a No Objection Certificate and specifically requested that his resignation be treated as a technical resignation under the Government Instructions dated 19.02.2016 (Annexure P-13). However, instead of granting the said benefit, the respondents declined to treat the resignation as technical.

7. It is submitted that denial of technical resignation merely because the petitioner did not intimate the details of his earlier application immediately upon joining service is a hyper-technical approach, particularly when the respondents were admittedly aware of his participation in the selection process well before his resignation.

***On behalf of the Respondents***

8. Per contra, learned State counsel submits that the impugned order is strictly in accordance with the Government Instructions dated 19.02.2016 (Annexure P-13). It is argued that Clause 15 thereof expressly requires an employee, who had applied for another Government post prior to joining service, to intimate the details of such application immediately upon joining. Admittedly, the petitioner joined service on 09.01.2017 but did not disclose the pendency of his earlier application at the time of joining and informed the department only in August, 2018 after receiving the admit card. Since the petitioner failed to satisfy the



mandatory conditions prescribed under Clause 15 of the Instructions, his request for treating the resignation as a technical resignation was rightly declined. It is further contended that once the petitioner's resignation was accepted as a normal resignation, Clause 13 of the Instructions operated and his past qualifying service stood forfeited.

9. Heard.

***Analysis***

10. The controversy involved in the present petition is confined to whether the petitioner's resignation from the post of Ahlmad deserves to be treated as a technical resignation in terms of the Government Instructions dated 19.02.2016 (Annexure P-13), thereby preserving his past qualifying service.

11. The material placed before this Court shows that the respondents have rejected the petitioner's request solely on the premise that although he had admittedly applied for the post of Clerk prior to joining Government service, he did not intimate the details of such application immediately upon joining the service as contemplated under Clause 15(i) of the Instructions dated 19.02.2016. According to the respondents, non-compliance with the said condition disentitles the petitioner from claiming the benefit of technical resignation. However, this Court is unable to accept to the aforesaid contention.

12. The issue is no longer res integra. In “***Ram Mehar Singh and another v. State of Punjab and others***”, CWP-35184 of 2019 and connected matters, decided on 21.01.2025, this Court had an occasion to interpret the very same Government Instructions dated 19.02.2016 (Annexure P-13). While examining Clauses 13 and 15 thereof, the Court held that the object of the policy is to ensure continuity of Government service where an employee, after having applied for



another Government post before joining service, resigns only to join another Government department. It was further held that the policy is a beneficial one and cannot be defeated by adopting a rigid or hyper-technical interpretation of procedural requirements. This Court further held that where the employer was aware that the employee was participating in another Government recruitment process, denial of technical resignation merely because prior permission was not obtained or the application was not routed through the proper channel would frustrate the very object of the policy. The Court categorically observed that technical resignation cannot be declined on procedural lapses when no prejudice has been caused to the employer and the employee satisfies the substantive requirements of the policy. In the opinion of this Court the ratio of the aforesaid judgment squarely governs the present case.

13. Admittedly, the petitioner had applied for the post of Clerk in the year 2016, much before joining respondent No.4 on 09.01.2017. The record further reveals that during the pendency of the recruitment process, the petitioner repeatedly approached the respondents by seeking leave to appear in the written examination as well as counselling. After his selection, he initially sought issuance of a No Objection Certificate and, upon refusal thereof, specifically requested that his resignation be treated as a technical resignation. Thus, long before the acceptance of his resignation, the respondents were fully aware that the petitioner was joining another Government department pursuant to a recruitment initiated prior to his entry into service.

14. The only objection raised by the respondents is that such information was not furnished “immediately upon joining”. In the considered opinion of this Court, such an interpretation elevates form over substance. The purpose behind



Clause 15 of the Instructions is to ensure that the employer is aware that the employee had applied for another Government post prior to entering service so that continuity of service is not misused. Once that foundational fact stands established and the employer had knowledge of the petitioner's participation in the selection process before accepting his resignation, denial of the benefit solely on account of delayed intimation would amount to reading the Instructions in an unduly restrictive manner, contrary to the law declared in ***Ram Mehar Singh (supra)***.

15. Therefore, this court is of the view that the beneficial service instructions governing technical resignation ought to receive a purposive construction and that procedural requirements cannot be permitted to defeat substantive service rights where the employee fulfils the essential conditions and no prejudice is caused to the administration. Reliance may be placed on "***X2 v. State (NCT of Delhi) (2023) 9 SCC 433***", where the apex Court in the context of the permissibility of termination of pregnancy beyond the statutorily provided time period, three judges of this Court observed as follows about the interpretative exercise favouring beneficiaries:

*"37. A catena of decisions emanating from this Court, including **Kerala Fishermen's Welfare Fund Board v. Fancy Food** [**Kerala Fishermen's Welfare Fund Board v. Fancy Food, (1995) 4 SCC 341**], **Bharat Singh v. New Delhi Tuberculosis Centre** [**Bharat Singh v. New Delhi Tuberculosis Centre, (1986) 2 SCC 614 : 1986 SCC (L&S) 335**], **Bombay Anand Bhavan Restaurant v. ESI Corpn.** [**Bombay Anand Bhavan Restaurant v. ESI Corpn., (2009) 9 SCC 61 : (2009) 2 SCC (L&S) 573**], **Union of India v. Prabhakaran Vijaya Kumar** [**Union of India v. Prabhakaran Vijaya Kumar, (2008) 9 SCC 527 : (2008) 3 SCC (Cri) 813**], settle the proposition that progressive and beneficial legislation must be interpreted in favour of the beneficiaries when it is possible to take two views of a legal provision."*



16. The respondents have neither pleaded nor demonstrated that the petitioner had suppressed any material fact or obtained employment by misrepresentation. Thus, the impugned order dated 12.09.2019 (Annexure P-12) which proceeds entirely on the assumption that non-compliance with Clause 15(i), by itself, is sufficient to reject the petitioner's claim. The rejection is founded solely upon a procedural lapse, which, in view of the binding precedent, cannot override the substantive right flowing from the policy.

17. Consequently, the impugned order dated 12.09.2019 (Annexure P-12) cannot be sustained in law.

18. Accordingly, the present writ petition is allowed. The impugned order dated 12.09.2019 declining technical resignation to the petitioner (Annexure P-12) is hereby quashed. The respondents are directed to treat the petitioner's resignation dated 09.08.2019 as a technical resignation under the Government Instructions dated 19.02.2016 (Annexure P-13) and extend to him the benefit of continuity of past qualifying service and all consequential service benefits, in accordance with law, within a period of eight weeks from the date of receipt of a certified copy of this order.

19. Pending applications, if any, also stand disposed of.

(SANDEEP MOUDGIL)  
JUDGE

17.07.2026  
Meenu

*Whether speaking/reasoned* : Yes/No  
*Whether reportable* : Yes/No