



2025:AHC:191314

(A.F.R.)

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 14825 of 2018

Ajeet Singh

.....Petitioner(s)

Versus

State Of U.P. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s) : Adarsh Singh, Indra Raj Singh,
Prabhakar Awasthi, Ram Prakash
Upadhyay, Seemant Singh

Counsel for Respondent(s) : C.S.C.

Court No. - 34

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Indra Raj Singh, learned counsel for the writ petitioner as well as Sri S.K. Pal, learned Addl. Chief Standing Counsel for the State.
2. Since counter affidavit and rejoinder affidavit have been exchanged between the parties, and the prayer has been made for disposal of the writ petition, this Court with the consent of the parties is proceeding to decide the writ petition at the admission stage.
3. The case of the writ petitioner is that he was initially appointed on the post of Constable in Delhi Police on 13.01.2020, however, in the meantime, a recruitment exercise stood undertaken for filling up the post of Sub-Inspector in Civil Police and Platoon Commander in PAC in the year 2011. The writ petitioner appeared in the said selection process, and he was selected, he was appointed as Sub-Inspector in Civil Police on 31.08.2017. On 28.12.2017, the writ petitioner had addressed a letter to the Inspector General of Police, Meerut Range, Meerut, second respondent to relieve him from the post of Sub-Inspector, Delhi Police enabling him to submit his joining on the post of Constable in Delhi Police due to medical problem and then the Inspector General of Police,

Meerut Range, Meerut, second respondent directed the Senior Superintendent of Police, Meerut to do the needful in view of the application dated 28.12.2017. The Inspector General of Police, Meerut Range, Meerut, second respondent issued a letter dated 03.01.2018 to the S.S.P. Meerut while referring to the application of petitioner on 28.12.2017 with respect to relieving him from the police of Sub-Inspector in Civil Police. The S.S.P. Meerut fourth respondent, issued a letter dated 09.01.2018 to the Circle Officer, Meerut to submit a report after making enquiry on the basis of the affidavit of the petitioner and his family member on non-judicial stamp paper with regard to the issue of recovery, which is to be made from the petitioner against the amount being paid on training to the petitioner and the salary paid in favour of the petitioner and the said report was directed to be submitted within a period of one week. An enquiry report came to be submitted on 20.01.2018 by the Deputy Superintendent of Police, Meerut that thereafter the S.S.P. Meerut on the basis of the report so tendered therein wrote a letter to the D.I.G. Meerut, making recommendation for resignation of the writ petitioner. Thereafter, the Inspector General of Police, Meerut Range, Meerut, second respondent, on the basis of the recommendation of the S.S.P. Meerut dated 20.01.2018 relying upon the report dated 20.01.2018 of the Deputy Superintendent of Police, Meerut accepted the resignation of the petitioner and directed for recovery of the amount incurred on training of the petitioner to the post of Sub-Inspector of Civil Police and the salary so accorded to him on the post of Sub-inspector. Thereafter, on 25.01.2018, the S.S.P. Meerut wrote a letter to the Assistant Superintendent of Police (Training) Police Station Directorate, U.P. Lucknow about the order dated 20.01.2018 regarding acceptance of the resignation of the writ petitioner. On 15.02.2018, the writ petitioner submitted an application before the Inspector General of Police, Meerut Range, Meerut, second respondent with a request therein to retain him in the services of the writ petitioner on the post of Sub-Inspector in Civil Police. Thereafter, the writ petitioner represented the case before the respondents, however, on 22.06.2022, the S.S.P. Meerut rejected the claim of the writ petitioner for withdrawing of the resignation and directed the recovery of amount of Rs.4,97,600/-.

4. Questioning the order dated 20.01.2018 passed by Inspector General of

Police, Meerut Range, Meerut, second respondent and order dated 22.06.2022 passed by S.S.P. Meerut fourth respondent, present writ petition has been preferred.

5. This Court had entertained the writ petition while calling for a counter affidavit. A counter affidavit has been filed, to which a rejoinder affidavit has been filed, which are available on record.

6. Learned counsel for the writ petitioner has sought to argue that the order dated 20.01.2018 passed by the second respondent, Inspector General of Police, Meerut Range, Meerut, and the order dated 20.06.2022 passed by the S.S.P. Meerut, fourth respondent cannot be sustained for a single moment. Elaborating the said submission, it is being contended that there is a complete procedure set out in Section 9 of the Police Act 1861 (hereinafter referred to as the Act) and Regulation 505 of U.P. Police Regulations (hereinafter referred to as the Regulations) with respect to resignation. Submission is that no police officer has a liberty to withdraw himself from the duties or resign until and unless there is a two month prior notice. Argument is that a letter of request made for resignation is to contain a two months notice and the same should be unconditional.

7. Learned counsel for the writ petitioner submits that the request letter dated 28.12.2017 does not recite even a single word about a two months notice and further it is conditional, i.e. relieving and then according joining in Delhi Police in that regard. Learned counsel for the writ petitioner seeks to rely upon a decision of this Court in **Satya Paul Kalra vs. Deputy Inspector General of Police, AIR 1964 All 121**, and **Dinesh Kumar vs. Commandant 15th Battalion, 1999(3) UPLBEC 2308** and **Bhaggu Prasad vs. State of U.P. 2004(5) AWC 3930**.

8. Sri S.K. Pal, learned Addl. Chief Standing Counsel on the other hand submits that once the writ petitioner has submitted a resignation, then it is not open for him to withdraw the same, particularly when the same stood accepted on 20.01.2018 and the letter seeking withdrawal of the resignation was submitted on 15.02.2018, i.e. much after the acceptance.

9. I have heard the submissions so made across the Bar and perused the record carefully.

10. Facts are not an issue. It is not an issue that the writ petitioner was appointed on the post of Constable in Delhi Police on 13.01.2010 and thereafter, in pursuance of the selection conducted for the post of Sub-Inspector in Civil Police, Platoon Commander in PAC of the year 2011, the writ petitioner after taking technical resignation had joined the post of Sub-Inspector on 31.08.2017. Thereafter the writ petitioner claims to have submitted an application on 28.12.2017 before the Inspector General of Police, Meerut Zone, Meerut for relieving him from the post of Sub-Inspector, Civil Police and for joining in Delhi Police. The relevant extract of the letter dated 28.12.2017, is quoted hereunder:-

"सेवा में,

श्रीमान महानिरीक्षक महोदय,

मेरठ जोन उ०प्र० .

विषय:- उ०नि०ना०पु० पद से त्यागपत्र देने हेतु ।

महोदय, सविनय निवेदन यह है कि प्रार्थी पूर्व में दिल्ली पुलिस में सिपाही के पद पर था वहाँ से Technical Resignation देकर UP Police S.I. C.P 2011 बैच को Join किया था प्रार्थी की तबियत लम्बे ड्यूटी Hour और Time Schedule नहीं होने के कारण मेरठ में आमद होने के बाद से ही लगातार खराब चल रही है, इसलिए प्रार्थी इस Job को करने में असमर्थ है इसलिए महोदय से अनुरोध है कि प्रार्थी को उ०नि० नाग० पु० पद से मुक्त कर पूर्व के पद पर भेजने की कृपा करे ।

आपकी अति कृपा होगी।"

11. The application so preferred by the writ petitioner came to be accepted by the Inspector General of Police, Meerut Zone, Meerut on 20.01.2018, which is quoted hereunder:-

"आदेश

उपनिरीक्षक प्रशिक्षणाधीन पी०एन०ओ० नं० -- 152514022 श्री अजीत सिंह पुत्र श्री छिद्दी सिंह, नियुक्ति थाना- रोहटा, जनपद-मेरठ द्वारा एक प्रार्थना-पत्र दिनांक रहित वरिष्ठ पुलिस

अधीक्षक, जनपद- मेरठ के समक्ष दिनांक 28-12-2017 को उपस्थित होकर प्रेषित करते हुए स्वयं की तबियत लगातार खराब चलने के कारण जॉब को करने में असमर्थता व्यक्त करते हुए उपनिरीक्षक ना०पु० के पद से मुक्त किये जाने का अनुरोध किया गया है।

2- प्रश्नगत प्रकरण में वरिष्ठ पुलिस अधीक्षक, जनपद-मेरठ के माध्यम से पुलिस उपाधीक्षक, कार्यालय, जनपद - मेरठ द्वारा सम्पादित करायी गयी जांच आख्या दिनांकित 20-01-2018 का मेरे द्वारा गहनता से अध्ययन किया गया तो पाया कि जांच के दौरान जांचकर्ता अधिकारी श्री रामकरन सिंह, पुलिस उपाधीक्षक, जनपद मेरठ द्वारा अपने सीयूजी मोबाईल नं० - 9454458044 से उपनिरीक्षक प्रशिक्षणाधीन अजीत सिंह के पिता श्री छिद्दी सिंह से उनके मोबाईल नं० - 7409529667 पर उनके पुत्र अजीत सिंह के स्वेच्छा से त्याग पत्र देने के सम्बन्ध में वार्ता की गयी, तो श्री छिद्दी सिंह ने बताया कि उन्हे अपने पुत्र अजीत सिंह के त्यागपत्र के सम्बन्ध में पूर्ण जानकारी है तथा वह अजीत सिंह के उ०नि० पद से दिये गये त्याग पत्र से समहत है। श्री छिद्दी सिंह को बुलाने पर उनके द्वारा आने में असमर्थता व्यक्त की गयी। जांचकर्ता अधिकारी द्वारा उपनिरीक्षक प्रशिक्षणाधीन पी०एन०ओ० नं०- 152514022 श्री अजीत सिंह का त्यागपत्र स्वीकृत किये जाने की प्रबल संस्तुति की गयी है साथ ही उक्त उ०नि० के प्रशिक्षण पर व्यय हुई धनराशि तथा इनको भुगतान किये गये वेतन आदि के सम्बन्ध में पुलिस अधीक्षक कार्मिक उ०प्र० पुलिस मुख्यालय इलाहाबाद के पत्र संख्या सं०- दस - 51 - 2013 (75) दिनांक 21.4.2016 के साथ अपर पुलिस महानिदेशक प्रशिक्षण उ०प्र० लखनऊ के पत्र सं०- प्रनि - प - 29प - 29 (एस - 1) रि०आब० - 1 / 1653 दिनांक 18.4.2016 के अनुसार प्रशिक्षणाधीन उ०नि० श्री अजीत सिंह से प्रशिक्षण के मध्य व्यय हुई धनराशि तथा उसको भुगतान किये गये वेतन आदि की नियमानुसार वसूली किये जाने की संस्तुति की गयी है।

3- उक्त सम्बन्ध में वरिष्ठ पुलिस अधीक्षक, जनपद-मेरठ ने अपने पत्र संख्या: - प - 635 / 2017 दिनांक 20.1.2018 के द्वारा पुलिस उपाधीक्षक कार्यालय, जनपद-मेरठ से करायी गयी जांच आख्या से सहमति व्यक्त करते हये उपनिरीक्षक प्रशिक्षणाधीन पी०एन०ओ० नं०- 152514021 श्री अजीत सिंह द्वारा प्रस्तुत त्याग-पत्र को स्वीकार किये जाने तथा प्रशिक्षण अवधि में व्यय हुई धनराशि तथा उसे भुगतान किये गये वेतन आदि के सम्बन्ध में नियमानुसार वसूली किये जाने की संस्तुति की गयी है ।

4- मैं पुलिस महानिरीक्षक, मेरठ परिक्षेत्र, मेरठ उपनिरीक्षक पद का नियुक्ति प्राधिकारी हूँ। अतः एतद्वारा उपनिरीक्षक प्रशिक्षणाधीन पी०एन०ओ० नं०- 152514022 श्री अजीत सिंह पुत्र श्री छिद्दी सिंह, नियुक्ति थाना- रोहटा, जनपद मेरठ के दिनांक रहित प्रार्थना-पत्र जो उसके द्वारा दिनांक 28-12-2017 को वरिष्ठ पुलिस अधीक्षक, जनपद - मेरठ के समक्ष उपस्थित होकर प्रस्तुत किया है में उल्लिखित तथ्यों पर सहानुभूतिपूर्वक विचारोपरान्त उत्तर प्रदेश पुलिस

विभाग के उपनिरीक्षक पद से उत उपनिरीक्षक प्रशिक्षणाधीन पी०एन०ओ० नं०-15251402 श्री अजीत सिंह पुत्र श्री छिद्दी सिंह का त्याग-पत्र स्वीकृत करता है। उक्त उपनिरीक्षक के प्रशिक्षण पर व्यय हुई धनराशि तथा उसे भुगतान किये गये वेतन आदि की धनराशि को उक्त उपनिरीक्षक प्रशिक्षणाधीन द्वारा पुलिस विभाग को नियमानुसार वापस किया जायेगा। वरिष्ठ पुलिस अधीक्षक, जनपद मेरठ द्वारा उक्त उपनिरीक्षक प्रशिक्षणाधीन से उसके प्रशिक्षण पर हुई धनराशि तथा उसे भुगतान किये गये वेतन आदि की नियमानुसार वसूली सुनिश्चित की जायेगी।

"

12. Thereafter, the writ petitioner on 15.02.2018 submitted an application seeking withdrawal of the resignation which had been sought by virtue of the letter dated 28.12.2017, which is quoted hereunder:-

"सेवा में

श्रीमान पुलिस महानिरीक्षक महोदय,

मेरठ परिक्षेत्र, मेरठ

महोदय,

निवेदन है कि प्रार्थी उ०प्र० पुलिस में सब इन्स्पेक्टर के पद पर कार्यरत था प्रार्थी पिछले दिनों से बीमार चल रहा था, जिस कारण प्रार्थी ने बीमारी के दबाव में अपने उपनिरीक्षक ना०पु० के पद त्याग पत्र के लिए प्रार्थना पत्र देकर पूर्व पद दिल्ली पुलिस सिपाही के पद पर जाने के लिए आपको को प्रार्थना पत्र दिया गया था

इस प्रार्थना पत्र में भी प्रार्थी ने अपनी बीमारी का कारण अंकित किया हुआ है। प्रार्थना पत्र की फोटो प्रति प्रार्थी इस प्रार्थना पत्र के साथ संलग्न कर रहा है। प्रार्थी को दिनांक 20.01.2018 के उपरान्त सब इन्स्पेक्टर पद से रिलीव कर दिया गया था अपनी बीमारी से सम्बन्धित कागजात प्रार्थी अपने हैं 1 इस प्रार्थना पत्र के साथ संलग्न कर रहा है ! अब प्रार्थी बीमारी से उबर चुका तथा बीमारी के दबाव में नहीं है। अब प्रार्थी चाहता है कि प्रार्थी को उत्तर प्रदेश अक्विलिस में सब इन्स्पेक्टर ना०पु० के पद ही रखा जाये। यह प्रार्थी का अन्तिम एवं सोच समझकर लिया हुआ निर्णय है। पूर्व में सुई गलतियों के लिए प्रार्थी विना शर्त क्षमा प्रार्थी है। प्रार्थी को उपरोक्त सब इन्स्पेक्टर के पद से मुक्त करने का आदेश दिनांक 20.01.2018 को आपके द्वारा पारित किया गया था.

कि फोटो प्रति इस प्रार्थना पत्र के साथ प्रार्थी संलग्न कर रहा है।

अतः न्यायहित में प्रार्थी का यह प्रार्थना पत्र स्वीकार किया जाना अति आवश्यक है ।

आपकी अति कृपा होगी ।"

13. Subsequently, on 22.06.2022, the S.S.P. Meerut passed an order for recovery of the amount of Rs.4,97,600/-.

14. The conditions of the services of the writ petitioner as a police personnel stands covered by the Act by the name and the nomenclature of the Police Act, 1861, which is quoted hereinunder: -

"9. Police-officers not to resign without leave or two months' notice:- No police-officer shall be at liberty to withdraw himself from the duties of his office unless expressly allowed to do so by the District Superintendent or by some other officer authorized to grant such permission, or without the leave of the District Superintendent, to resign his office, unless he shall have given to his superior officer notice in writing, for a period of not "less than two months, of his intention to resign."

15. Regulation 505 of the U.P. Police Regulations reads as under:-

"505. Resignation of a police officer.- A Police Officer of the rank of Inspector or below can resign his office on giving in writing two months' notice of his intention to resign but he shall not withdraw from the duties of his office until such time his resignation has been formally accepted by the appropriate authority and he has fully discharged any debt by him as such Police Officer to Government or to any police fund:

Provided that such a resignation may be accepted by the authority with effect from a date prior to the date of expiry of the notice:

Provided further that the resignation of a police officer whose conduct is under inquiry or who is being proceeded against departmentally under Section 7 of the Police Act, 1861 (Act No. V of 1861) or tried in a court of law for any offence may, in the discretion of such authority, not being accepted until such time the final orders are passed as a result of such inquiry, proceedings or trial as the case may be."

16. A conjoint reading of Section 9 of the Police Act and Section 505 of Police Regulations would reveal that no police officer possesses a liberty to withdraw himself from the duties of his office, unless explicitly

allowed to do so by District Superintendent or by some other police officer authorized to grant such permission or without the leave of the District Superintendent to resign his office, unless he has given to the superior office a notice in writing of his intention to resign. As a matter of fact, Section 9 of the Act read with Regulation 505 of the Police Regulations cast a duty upon the Police Officer, who seeks resignation to give a notice of two months of his intention to resign.

17. Here in the present case, the contention of the learned counsel for the writ petitioner is that the letter seeking resignation dated 28.12.2017 was not in conformity with the provisions contained under Sections 9 of the Act read with Regulation 505 of the Regulations, as the basic ingredient, which was a pre-requisite was itself lacking being two months' notice. Emphasis is on the fact that once the notice itself was defective, then it could not have been acted upon and thus any action taken in furtherance thereof that too to the detriment of the police personnel would not be of any avail. Certainly, once a request is made for resignation and is accepted then the employee cannot turn around and insist that the resignation should be withdrawn, but here there is a distinct feature that the notice itself was defective. Once the notice was defective and not in conformity with the provisions contained under Section 9 of the Police Act read with Regulation 505 of the Police Regulations, then it could not have been taken notice of. In **Satya Paul Kalra (supra)**, the said issue came up for consideration and in para-22, it was observed as under:-

"22. It will be seen that the petitioner served a notice along with his resignation. That is not contemplated by Section 9 of the Police Act. Section 3, Police Act contemplates two months' notice before the resignation. On a strict interpretation of Section 9, the notice must precede the resignation."

18. Further a coordinate Bench of this Court in **Dinesh Kumar (supra)** while interpreting the provisions under Section 9 of the Police Act read with under Section 505 of the U.P. Police Regulations has observed as under:-

"7. The resignation was contrary to rules as well. Under Section 9 of the Police Act, 1861 and para-graph 505 of the Police Regulation an officer is at liberty to relinquish his office by giving two months' notice. These provisions apply to U.P Pradeshik

Armed Constabulary as well. Section 9 of Police Act and paragraph 505 of the Police Regulation are extracted below: "Section 9. Police Officers not to resign without leave or two months notices. No police officer shall be at liberty to withdraw himself from the duties of his office unless expressly allowed to do so by the District Superintendent or by some other officer authorised to grant such permission or with-out the leave of District Superintendent to resign, his office unless he shall have given to his superior officer notice in writing, for a period of not less than two months, of his intention to resign. PARA 505 OF POLICE REGULATION: A Police Officer of the rank of Inspector or below can resign his office on giving in writing two months' notice of his intention to resign but he shall not withdraw from the duties of his office until such time his resignation has been formally accepted by the appropriate authority and he has fully discharged any debt due by him to such police officer to Government or to any police fund: Provided that such a resignation may be accepted by the authority with effect from date prior to the date of expiring of notice: Provided further that the resignation of police officer whose conduct is under enquiry or who is being proceeded against departmentally under Section 7 of the Police Act, 1861 (Act No. V of 1861) or tried in a Court of law for any offence may, in the discretion of such authority, not be accepted until such time the final orders are passed as a result of such enquiry, proceedings or trial as the case may be.

8. The argument of learned counsel for the petitioner that the petitioner did not give two months' no-tice of intention to resign, therefore, the resignation letter of the petitioner being contrary to the Act and the Regulation could not have been acted upon, has force. The provisions made under the Act and the Regulation are intended for the benefit of employer and the employer could waive the period of notice and accept the resignation. The language of resignation letter becomes important and from the construction of the language used in the resignation letter one has to find out as to whether the employee intended to resign with immediate effect or not. The resignation letter in this case does not state that the petitioner was resigning with immediate effect. It is common knowledge that a person proposing to resign often wavers in his decision and even in a case where he has taken a firm decision to resign, he may not be ready to go out immediately. One may resign in a fit of anger or depression. The purpose of giving two months' notice by the employee is two fold. One it gives the employer an opportunity to make some alternative arrangement before relieving the employee and the other it gives an opportunity to the employee to re-think as to whether he may continue with the resignation. It is true that there is no specific provision either in the Act or in the Regulation permitting the em-ployee to

withdraw resignation. However, no such specific rules are needed. Until the employer accepts the resignation the employee could withdraw his resignation. The respondents could waive period of two months' notice mentioned in the Act and the Regulation but there is nothing on the record to show that the notice was waived by the respondents. In absence of any material on record and in absence of any reason the respondents in law could have accepted resignation of the petitioner after the expiry of two months. Even if the respondents accepted the resignation dated 6.3.1993 on 11.3.1993 the acceptance of resignation remained mute and could be operative only on or after 6.5.1993. The petitioner withdrew his resignation on 24.3.1993, therefore, the resignation letter and its acceptance became a dead letter and ineffective. The result was that the petitioner continued to be in service of the respondents and was illegally deprived by the respondent to discharge his duties."

19. In ***Bhaggu Prasad (supra)***, the said law was reiterated in para-11 and 13, as under:-

"11. Therefore, it is necessary to peruse the provision of para 505 of the U.P. Police Regulations and relevant provisions of Sections 2(2), 4 and 9 of the U.P. Pradeshik Armed Constabulary Act, 1948, which are reproduced as under-

"Para 505 -- A police officer of the rank of Inspector or below can resign his office on giving in writing two month's notice of his intention to re-sign but he shall not withdraw from the duties of his office until such time his resignation has been formally accepted by the appropriate authority and he has fully discharged any debt due by him and such Police officer to government or to any police fund:

Provided that such a resignation may be accepted by the authority with effect from date prior to the date of expiring of notice:

Provided further that the resignation of police officer whose conduct is under enquiry or who is being proceeded against departmentally under Section 7 of the Police Act, 1861 (Act No.V of 1861) or tried in a court of law for any offence may, in the discretion of such authority, not be accepted until such time the final orders are passed as a result of such enquiry, proceedings or trial as the case may be.

2.(2) Definitions:- In this Act, unless there is anything repugnant in the subject or context:

(2). "Officer of the Pradeshik Armed Constabulary" means a person appointed to the

Pradeshik Armed Constabulary under this Act, who has, in accordance with the provisions of this Act, signed a state-ment in the form given in the Schedule.

4. Enrollment and discharge of officers of the Pradeshik Armed Constabulary (Act V of 1861) Before any person, whether already enrolled in Uttar Pradesh Police Force under Police Act, 1861, or not so enrolled, is appointed to be an officer of the Pradeshik Armed Constabulary, the statement in the Schedule shall be read, and if necessary ex-plained to him by a Magistrate, Commandant or Assistant Commandant, shall be signed by him in acknowledgment of its having been so read and explained to him and shall be attested by the Magistrate, commandant or Assistant commandant as the case may be.

9. Discharge from Pradeshik Armed Constabulary: -- Notwithstanding anything contained in the Police Act, 1861, or in any other law, no officer of the Pradeshik Armed Constabulary shall be entitled to be discharged from the Pradeshik Armed Constabulary."

12. The language of the schedule is reproduced as under:

"At no time during the period of your service in the Pradeshik Armed Constabulary you will be enti-tled to obtain your discharge at your own request. On the liquidation of the force or of the company in which you may, for the time being be posted you will be discharged from the Pradeshik Armed Constabulary and unless you were already a confirmed member of Uttar Pradesh Police Force be-fore joining the Pradeshik Armed Constabulary from Uttar Pradesh Police also. You will, however, be eligible for re-enlistment in Uttar Pradesh Police in the event of your continuing in Uttar Pradesh Police for your re-enlistment therein, your service in the Uttar Pradesh Pradeshik Armed Constabulary will count for promotion and pension in Uttar Pradesh Police."

13. Perusal of the above quoted provisions show that the officer of the Pradeshik Armed Constabulary (PAC) is not permitted to be discharged voluntarily and therefore, for this particular purpose an undertaking is taken by every officer of the Pradeshik Armed Constabulary in the set language given in the schedule of the Act which is quoted above. The same is not only binding upon the officer of the Pradeshik Armed Constabulary, but is also binding upon the appointing authority. In regard to giving of notice the period is to be looked into as if it is treated to be correct that the appointing authority has every jurisdiction to waive off the notice period, it cannot

*mean that there would be no effect of notice by the officer of the Pradeshik Armed Constabulary who intends to tender resignation or to get discharge voluntarily. The officer has to give notice of two months, which is mandatory requirements under the law and during the period of notice, he can-not neglect his duty or remain absent from the duty. Therefore, it was mandatory requirement under the law that without giving two months' notice the resignation of the petitioner was not even to be entertained in view of para 505 of the U.P. Police Regulations. Although the petitioner could have applied for waiver of notice period, but in that case too two months' notice was liable to be given under that para of the U.P. Police Regulations. It appears that the attention of the Court in the case of **Dinesh Kumar (supra)** was not drawn towards Section 9 of the U.P. Pradeshik Armed Constabulary Act, 1948 which prohibits the voluntarily discharge from Pradeshik Armed Constabulary."*

20. There is another facet of the matter, which also needs consideration while determining whether the request for resignation was conditional or not. As a matter of fact, in the request letter dated 28.12.2017, there was a condition mentioned with respect to resignation that the writ petitioner, who seeks resignation post acceptance of resignation, be repatriated or sent to Delhi Police. Same partakes the character of a conditional resignation, which is not contemplated either in Section 9 of the Police Act or Regulation 505 of the Police Regulations. In **Dinesh Kumar (supra)**, the following has been observed: -

"9. As I have held earlier that the resignation by the petitioner was not intentional or voluntary and was obtained by respondent under force and the petitioner was not in a fit mental state when resignation was obtained from him, therefore, the petitioner is entitled for reinstatement and entire arrears of salary."

21. Apart from the same, the first proviso to Regulation 505 of the Police Regulations also throws light that the resignation can only be accepted by the authority w.e.f. a date subsequent to the date of expiry of the notice and not prior to it, meaning thereby that two months notice is to be given by the police personnel seeking resignation. Moreover, Regulation 505 of the Police Regulation, also adds to one another aspect that his resignation cannot be accepted until and unless he fully discharged the debt. Here, the Court finds that the order dated 22.06.2022 passed by the SSP Meerut, post acceptance of the resignation on 20.01.2018 on 22.06.2022, recovery

is being sought to be made for discharge of the debt. Thus, even otherwise, the resignation could not have been accepted.

22. On a pointed query being raised to Sri S.K. Pal, learned Addl. Chief Standing Counsel, whether the judgment so sought to be relied upon by the writ petitioner has been subject matter of challenge in appeal, set aside or stayed, the answer is in negative. Respectfully following the mandate of law, as enunciated in the aforesaid judgments, and applying them in the facts and circumstances of the case, an irresistible conclusion stands drawn, that the resignation could not have been accepted, particularly when it was not as per the provisions contained under the statute.

23. Accordingly, the writ petition is **allowed**. The order dated 20.01.2018 passed by Inspector General of Police, Meerut Region, second respondent, as well as the order dated 22.06.2022 passed by the fourth respondent, S.S.P. Meerut are set aside. The writ petitioner shall be entitled to all the consequential benefits, which are admissible and permissible in law, within a period of four months from the date of production of certified copy of the order.

October 30, 2025

N.S.Rathour

(Vikas Budhwar,J.)