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ACCEPTANCE OF RESIGNATION

The High Court of Jammu and Kashmir (**HC**), on May 9, 2025, in the case of *Bilal Ahmad Yattoo*,¹ opined on the stringent requirements for establishing claims of involuntary resignation for employees in the Police Department, particularly concerning the interpretation of Section 10 of the Police Act, 1983 (**Act**), which pertains to a “*police officer not to resign without leave or two months’ notice.*”

Brief Facts

Bilal Ahmad Yattoo (**Yattoo**) was selected as a constable in the Jammu and Kashmir (**State**) Police in 2016.

- During his Basic Recruitment Training Course (**BRTC**), he absented twice and was awarded censure as punishment. After completing his BRTC, Yattoo applied for 40 days of earned leave, though only 20 days were sanctioned.
- He performed active duties for merely two months before applying for voluntary resignation on July 11, 2018.
- The resignation letter was supported by an affidavit in which Yattoo cited domestic problems as the reason for his resignation. The Commandant accepted his resignation on the same day, July 11, 2018.
- Thereafter, Yattoo approached the Central Administrative Tribunal (**CAT**), which was disposed of with a direction to the State to consider his averments as a representation. This representation was subsequently rejected by the State.
- He then challenged this rejection before the CAT, which dismissed his application, finding the rejection order to be perfectly legal (**Order**). The CAT relied upon the judgment of the Supreme Court in the *T. Parthasarathy* case.²
- Yattoo then challenged CAT’s judgment and the Commandant’s order accepting his resignation before the HC.

Yattoo’s Contentions

Argued that:

- CAT failed to appreciate that his resignation was not voluntary but made under coercion from militants of a banned militant organization.
- CAT did not appreciate that, in terms of Section 10 of the Act, his resignation should have been treated as an ‘intention to resign’ and given effect only after two months from its submission.

¹ *Bilal Ahmad Yattoo v. UT of J&K*, 2025 LiveLaw (JKL) 231.

² *Union of India & Anr. vs. Wing Commander T Parthasarthy*, JT 2000 (Suppl) 2 SC 490.

States' Contentions

Defended the Order by stating that:

- The resignation letter was supported by an affidavit where Yattoo clearly cited domestic problems as the reason for his resignation, and the story of militant threat was an afterthought and concocted.
- There was no document, communication, or representation on record by Yattoo prior to the submission of the resignation, which would indicate any threat from militants.
- His career had not remained satisfactory, marked by two absences during training and a minor punishment of 'censure', indicating a lack of interest in serving.
- Nothing in Section 10 Act prevents the Superintendent (or competent authority) from accepting resignation forthwith, effectively granting leave to resign.

HC's Judgement & Reasoning

The HC:

- Dismissed Yattoo's petition, affirming the legality of the Order and finding no reason for interference under its extraordinary jurisdiction.³ It reiterated several legal principles while specifically addressing Yattoo's claims.
- Found Yattoo's claim of coercion by militants to be an 'afterthought and concocted'. It noted that the resignation letter was supported by an affidavit specifically citing domestic problems, and there was no document, communication, or representation on record from Yattoo prior to his resignation that indicated any threat from militants.
- Agreed with the State's view that Yattoo's career remained unsatisfactory, suggesting that he was never truly interested in serving as a Constable.⁴
- Analysed Section 10 of the Act⁵ and clarified that while a police officer is not permitted to resign without leave of the Superintendent unless he gave at least two months' prior notice, nothing in the section prevents the Superintendent from accepting resignation forthwith. Here, Yattoo had submitted his voluntary resignation, which was accepted by the Commandant on the same day.
- Held that this constituted resignation with the 'leave of the Commandant,' thereby removing any requirement to treat it as an 'intention to resign' and await the two-month period to expire before its acceptance.⁶

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³ Paragraph 7 of the Judgement.

⁴ Paragraph 8 of the Judgement.

⁵ "No Police Officer shall be at liberty to withdraw himself from the duties of his office, unless expressly allowed to do so by the Superintendent or by some other officer authorized to grant such permission or without the leave of the 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".

⁶ Paragraph 11 of the Judgement.