



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



D.B. Civil Writ Petition No. 8941/2026

CNR: RJHC020458232026 | URN: CW / 19831U / 2026

Neeraj Bishnoi Son Of Late Shri S.p. Bishnoi, Aged About 53 Years, Resident Of Railway Qtr. No.1494, Srinagar Road, Ajmer-305001, Rajasthan. Earlier Working As Senior Auditor, O/o Deputy Director (Audit), Ajmer. Group B Post. Subject Resignation

-----Petitioner

Versus

1. Comptroller And Auditor General Of India, Pocket-9, Deen Dayal Upadhyaya Marg, New Delhi-110124.
2. Principal Director, Audit, North Western Railway, Headquarter Office, Jagatpura Road, Malviya Nagar, Jaipur-302017, Rajasthan.
3. Deputy Director, Audit, North Western Railway, Headquarter Office, Jagatpura Road, Malviya Nagar, Jaipur-302017, Rajasthan.

-----Respondents

For Petitioner(s) : Mr. Amit Mathur
For Respondent(s) : Mr. V.P. Mathur

**HON'BLE MR. JUSTICE INDERJEET SINGH
HON'BLE MR. JUSTICE SANDEEP TANEJA**

Order

01/09/2026

1. The present writ petition is directed against the order dated 27.02.2026 passed by the learned Central Administrative Tribunal, Jaipur Bench, Jaipur (for short, 'Tribunal'), whereby the Original Application filed by the petitioner was dismissed.
2. In the Original Application filed before the learned Tribunal, the petitioner had challenged the orders dated 29.01.2024 and 22.02.2024, whereby his request for withdrawal of resignation and reinstatement in service was rejected by the respondents.





3. Brief facts of the case are that, at the relevant time, the petitioner was working on the post of Senior Auditor in the respondent Department – Norther Western Railway. As he desired to contest the election to the Rajasthan Legislative Assembly, he tendered his resignation on 10.10.2023, which was accepted by the respondents on 01.11.2023. The petitioner, thereafter, contested the said election held in November 2023; however, he lost the election. On 01.01.2024, he submitted an application seeking withdrawal of his resignation and reinstatement in service.

3.1 The respondents rejected the petitioner's application vide order dated 29.01.2024, relying upon Rule 26(5) of the CCS (Pension) Rules, 2021 (for short, 'Rules of 2021'), as well as Rules 3(1)(vii) and 5 of the CCS (Conduct) Rules, 1964 (for short, 'Rules of 1964'). Aggrieved by the said order, the petitioner submitted a representation dated 19.02.2024, which was also rejected vide order dated 22.02.2024.

3.2 Aggrieved by the aforesaid orders, the petitioner filed the Original Application before the learned Tribunal. The learned Tribunal dismissed the Original Application by the impugned order, with the following observation:-

"6. The relevant Rules invoked by the respondents in order to reject application as well as representation of the applicant for withdrawal of his resignation are reproduced below:-

"Rule 26 (5) of CCS (Pension) Rules, 2021:

26. Forfeiture of service on resignation.-

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(5) The appointing authority may permit a person to withdraw his resignation in the public interest on the following conditions, namely:-

(i) that the resignation was tendered by the Government servant for some compelling reasons which did not involve any reflection on his integrity, efficiency or conduct and the request for withdrawal of the resignation has been made as a result of a material change in the circumstances which originally compelled him to tender the resignation;

(ii) that during the period intervening between the date on which the resignation became effective and the date from which the request for withdrawal was made, the conduct of the person concerned was in no way improper;

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"Rule 3(1)(vii) and Rule 5(1) & (4) of CCS (Conduct) Rules, 1964.

3. General

(1) Every Government servant shall at all times—

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(vii) maintain political neutrality;

5. Taking part in politics and elections

(1) No Government servant shall be a member of, or be otherwise associated with, any political party or any organisation which takes part in politics nor shall he take part in, subscribe in aid





of, or assist in any other manner, any political movement or activity.

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(4) No Government servant shall canvass or otherwise interfere with, or use his influence in connection with or take part in an election to any legislature or local authority:

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7. From perusal of the above, it emerges that -

(i) Rule 26 (5) of CCS (Pension) Rules, 2021 states that "appointing authority **may** permit a person to withdraw his resignation, which means the appointing authority is not bound to permit the withdrawal of resignation. In other words, the appointing authority has to apply mind, look into and assess the circumstances of resignation as well as withdrawal;

(ii) The appointing authority **may** accept withdrawal of resignation in "**public interest**". In other words, in arriving at the decision "public interest" is to be the prime factor;

(iii) The withdrawal of resignation **may** be accepted by the appointing authority if the resignation was tendered by the public servant for some "**compelling reasons**";

(iv) The request for withdrawal of resignation is made as a result of a "**material change**" in the circumstances which "**originally compelled**" him to tender the resignation and

(v) During the intervening period between the date on which the resignation became effective and the date from which the





request for withdrawal is made, the **conduct** of the person was in no way **improper**.

As per Rule 3(1)(vii) of CCS (Conduct) Rules, 1964, every Government servant **shall** at **all times maintain political neutrality**. Rule 26 (5)(1) of CCS (Pension) Rules, 2021 categorically prohibits the Government servant any political association with any political party or any organization which takes part in politics and any political activity by the public servant. Rule 26 (5)(4) of CCS (Pension) Rules, 2021 speaks that no Government servant **shall** canvass or interfere with or use his influence in connection with or take part in an election to any legislature or local authority.

8. In the present case, the applicant tendered his resignation on the specific ground i.e. to take part in the Legislative Assembly Election, which was to be held in the month of 2023 in the State of Rajasthan and he actually participated in the election but he lost the election and thereafter on realizing that in view of his resignation, he would not be entitled to pension/retiral benefits, he requested for withdrawal of his resignation.

9. Rule 26 (5)(i) of CCS (Pension) Rules, 2021 clearly stipulates that the appointing authority **may** permit a person to withdraw his resignation in the public interest if the resignation was tendered by the Government servant for some "compelling reasons" and withdrawal was requested as a result of "material change" in the circumstances which originally compelled him to tender his resignation. In the present case, there were no "compelling reasons". It was deliberated choice which a Government servant made between continuing in the Government service or to join politics and acting on his choice he contested the elections. As per aforesaid Rule, the request for withdrawal of the





resignation can be considered only if there was a **material change** in the circumstances which **originally compelled** the public servant to tender the resignation. Now even if for arguments sake, the "compelling reasons" in the present case are accepted at the time of resignation then this remains a fact that those circumstances which original compelled him to tender resignation cannot be said to have changed because the reason for which he resigned was to participate in the election and he actually participated in the election, so the circumstances and the reasons available at the time of resignation did not change because he had actually acted upon it. Subsequent to tendering the resignation; losing the election being a later circumstance, cannot be said to be a circumstance existing at the time of resignation. So we agree with the respondents in invoking and relying upon the above cited Rule 26 (5)(i) of CCS (Pension) Rules, 2021.

10. Now coming to the second reason taken by the respondents in rejecting the request of the applicant for withdrawal of his resignation that the conduct of the Government servant during the period intervening between the date of his resignation and request for withdrawal of resignation, was in no way proper. The respondents have held his involvement in political activity as a conduct 'improper' for a public servant in the light of Rule 3(1)(vii) and Rule 5 of CCS (Conduct) Rules, 1964 (reproduced in preceding paras). There is no denial that the applicant in fact participated in the political activity and was associated with BSP, which is a registered political party and the applicant was official candidate of BSP as he contested the Rajasthan Legislative Assembly Election, 2023 from Ratangarh on the party ticket. Now here the applicant is trying to wriggle out of this provision by articulating that when



he contested the election, he was no longer a public servant as he had tendered his resignation, which had already become effective from 01.11.2023, and that was prior to his contesting the election. In other words, he is trying to say that his participation in political activity after his resignation does not fall under the purview of Rule 26 (5) (ii) of CCS (Pension) Rule, 2021 read with Rule 5 of CCS (Conduct) Rules, 1964. The law makers have clearly shown their intention in aforesaid Rule 26 (5) (ii) when they have clearly flagged the period intervening between the date of resignation and the request for withdrawal of the same and have laid down how the conduct of the public servant should be in that intervening period by stipulating that the conduct during this period is not to be "improper". It means, the conduct during the period after the resignation is also to be considered before considering the acceptance of withdrawal of resignation and improper conduct definitely refers to the conduct expected of a Government servant as per Rule 3 (1) (vii) and Rule 5 of CCS (Conduct) Rules, 1964 when the consequence of acceptance of withdrawal of resignation is restoration of the Government service which means continuity of Government service as if there was no break in service then the only interpretation can be that the Government servant continued to work as if he was in Government service throughout the period, so his conduct for this whole period has to as per the CCS (Conduct) Rules, 1964.

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12. Now coming to Rule 3 (1) (vii) of CCS (Conduct) Rules, 1964 which specifically mandates the Government servant to maintain **"political neutrality"** **"at all times"**. The law makers have framed Rule 3 in addition to Rule 5 of CCS (Conduct) Rules, 1964. The object of law makers framing





aforesaid Rule 3 in addition to Rule 5 cannot be missed. Rule 5 **prohibits** "political activity" and Rule 3 **mandates** "political neutrality".

13. The applicant, who had joined a political party, indulged in political activity, participated in the political activity and even contested election, owing allegiance to the manifesto as well as ideology of a political party, as such, cannot remain politically neutral and, thus, is against true letter and spirit of CCS (Conduct) Rules, 1964, which specifically not only forbids political activity but also seek political neutrality that too at all times.

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16. In the present case too, we find no compelling circumstances for the applicant to have tendered his resignation except that he wanted to contest the election and there is also no material change in the circumstances, which originally compelled him to tender the resignation as he had already acted upon the circumstances/reasons on which he originally sought resignation.

17. In view of the above observations and discussions, we do not find any merit in the present Original Application and the same deserves to be dismissed. Accordingly, the present Original Application is dismissed being devoid of any merit. No order as to costs."

3.3 Being aggrieved by the said order of the learned Tribunal, the petitioner has approached this Court by way of the present writ petition.

4. Learned counsel for the petitioner submitted that, in terms of Rule 26(5) of the Rules of 2021, the petitioner had submitted an application for withdrawal of his resignation within the stipulated period of 90 days. It was further submitted that the petitioner was





not aware that he would not be entitled to pensionary benefits upon acceptance of his resignation. It was only after losing the election that the petitioner came to know that he was not entitled to pensionary benefits, due to which he was compelled to move an application for withdrawal of his resignation and, in doing so, satisfied the requirements of Rule 26(5) of the Rules of 2021. Learned counsel also submitted that the respondents had erred in invoking Rule 3(1)(vii) and Rule 5(1) and (4) of the Rules of 1964, which requires a government servant to maintain political neutrality at all times. According to learned counsel, the said provision was not applicable in the instant case, as the petitioner was not in Government service during the relevant period.

Learned counsel for the petitioner relied upon the judgments passed by the Hon'ble Supreme Court in Balram Gupta Vs. Union of India and Anr., reported in 1987 (Supp) SCC 228, and Govt. of NCT of Delhi and Ors. Vs. Kamlesh Rani Bhatla, reported in 2023 SCC Online SC 324.

5. We have heard learned counsel for the parties and perused the material available on record.

6. The first contention of the petitioner is that the requirements contained under Rule 26(5) of the Rules of 2021 are satisfied. A perusal of the said Rule indicates that the Appointing Authority may accept the withdrawal of resignation in public interest, if the following conditions are satisfied, firstly, that the resignation was tendered by the Government servant for some compelling reasons and, secondly, that there has been a material change in the circumstances which originally compelled him to tender his resignation.





6.1 In the present case, it is undisputed that the petitioner tendered his resignation in order to contest the election to the Rajasthan Legislative Assembly. The same was a voluntary act on the part of the petitioner. In the aforesaid circumstances, we find no substance in the argument of learned counsel for the petitioner that non-entitlement of the petitioner to pensionary benefits constitutes a compelling reason for withdrawal of his resignation. Furthermore, we find that there was no material change in the circumstances which existed at the time of tendering his resignation. Accordingly, we are of the considered opinion that the petitioner does not fulfill the requirements of the aforesaid Rule, which permits a Government servant to withdraw his resignation. Hence, on this point, we find no error in the view taken by the learned Tribunal in affirming the action of the respondents.

7. Another contention of the petitioner is that Rule 3(1)(vii) and Rule 5(1) and (4) of the Rules of 1964 are not applicable in the present case, as during the intervening period between the date of tendering his resignation and the date of seeking withdrawal thereof, he was not in Government service.

7.1 Rule 3(1)(vii) of the Rules of 1964 provides that a Government servant shall, at all times, maintain political neutrality. Further, Rule 5(1) of the aforesaid Rules provides that no Government servant shall be a member of, or be associated with, any political party or any organisation which takes part in politics. We find that the learned Tribunal has rightly held that the conduct of the petitioner was in violation of the aforesaid Rules, which prohibit political activity and mandate political neutrality at all times. The petitioner, having contested the election as an



official candidate of a political party, could not have remained politically neutral. Moreover, upon acceptance of his resignation, the petitioner would be treated as having remained in continuous Government service without any break, meaning thereby that, during the period of his service, the petitioner would be considered to have undertaken the aforementioned prohibited activities.

8. Insofar as the judgments relied upon by learned counsel for the petitioner are concerned, they are distinguishable on facts. The judgment in the case of Govt. of NCT of Delhi (supra) was passed in the peculiar facts and circumstances of that case, where the application seeking withdrawal of the resignation of the employee concerned was decided in light of the directions issued by the High Court in the first round of litigation. Further, in the case of Balram Gupta (supra), the employee concerned had sought withdrawal of his application for voluntary retirement before the date on which the retirement was to become effective. In those circumstances, the Hon'ble Supreme Court treated the persistent and personal requests from the staff members as constituting a change in the circumstances. Hence, the aforesaid judgments do not advance the case of the petitioner.

9. As a result of above discussion, we are not inclined to interfere with the impugned order dated 27.02.2026 passed by the learned Tribunal. Accordingly, the present writ petition, being devoid of merit, is dismissed.

10. All pending application(s), if any, stand disposed of.

(SANDEEP TANEJA),J
92/AVINASH GULERIA

(INDERJEET SINGH),J

