



2025 INSC 1368

IN THE SUPREME COURT OF INDIA
INHERENT JURISDICTION

REVIEW PETITION (C) NO. 2193/2024
IN
CIVIL APPEAL NO. 10567 OF 2024

KONKAN RAILWAY CORPORATION LTD. & ORS. ...PETITIONER(S)

VERSUS

S.D. MANOHARA

...RESPONDENT(S)

ORDER

1. The instant review petition by Konkan Railway Corporation is against the 13th September, 2024 judgment of this Court allowing Civil Appeal No. 10567 of 2024 of the respondent-employee, against the judgment and order of the High Court of Karnataka at Bengaluru holding that he cannot withdraw his resignation. While allowing the Civil Appeal of the employee, we had held that the respondent withdrew his resignation before it was accepted by Konkan Railway Corporation and also that he had rendered 23 years of unblemished service. In the circumstances, we held that it would be unfair to infer severance of service on the basis of contentious correspondence between parties for couple of months.

2. In the review petition, Konkan Railway has submitted that the judgment of this court requires to be reviewed because of two apparent

errors. It is argued that the conclusion of this Court that the letter of Konkan Railway dated 15.04.2014 accepting the respondent-employee's resignation as internal departmental communication is not correct as the letter was in fact communicated to the employee on 16.04.2014. It is also argued that the communication dated 16.04.2014 is in fact mentioned in the letter of the respondent-employee dated 26.05.2014 withdrawing the resignation. It is further contended that the employee did not report to duty on 19.05.2014, as mentioned in the judgment, but came to the office only to conclude relieving process. In the circumstances, it is argued that the Court ought not to have granted even 50% of back-wages, as this would be contrary to the settled principle of 'no work, no pay'.

3. Having considered the review petition in circulation, we directed the case to be listed before the Court. We have heard learned counsel for the petitioner(s).

4. Having considered the matter in detail, we are of the opinion that the 'errors' as pointed out in the review petition do not have the effect of changing our decision. The fact remains that, though the respondent employee resigned by letter dated 05.12.2013, with effect from 05.01.2014, the final letters of the Konkan Railway dated 23.06.2014, 01.07.2014 and 15.07.2014 conclusively established that the resignation is accepted with effect from 01.07.2014. There is no doubt about the fact that the respondent-employee withdraw his resignation on 26.05.2014,

i.e. much before 01.07.2014, when he was relieved, as is evidenced by letters and office orders dated 23.06.2014, 01.07.2014 and 15.07.2014.

5. In any event of the matter, justice and equity lie in favour of the employee, who has rendered 23 years of unblemished service. Seen in this context, we are of the opinion that it will be unjust to interpret few letters exchanged between the parties to hold that the employee has deliberately and consciously resigned, particularly when he has been contesting the case for more than a decade. It is in this background we had directed that interests of justice would be sub-served if we direct that the respondent-employee will be entitled to receive only 50% of salary from 01.07.2014 to the date of reinstatement.

6. Having considered the review petition in detail and having given our anxious consideration, we are of the opinion that no case is made out for reviewing of judgment dated 13.09.2024. The review petition is hereby dismissed.

7. Parties shall bear their own cost.

.....J.
[PAMIDIGHANTAM SRI NARASIMHA]

.....J.
[PANKAJ MITHAL]

**NEW DELHI;
NOVEMBER 25, 2025**