

EMPLOYMENT LAW: RESIGNATION & WITHDRAWAL OF RESIGNATION

Dave Muniswar M
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There is no legal obligation on the part of a company to communicate its acceptance of resignation and that a resignation once tendered cannot be withdrawn except with the consent of the employer.



In the Industrial Court Case Between **Lim Gwo Bin and BM Mobility Sdn Bhd Award No 9 of 2021**, Augustine Anthony:

“The law is clear in that an employee who tenders his letter of resignation, end his employment contract unilaterally and upon resignation, the relationship of employer and employee is dissolved.”

In the case of **Syed Aman Syed Hassan v. Mara Institute of Technology [1993]** 1 CLJ 228 Lim Beng Choon J referred to the Indian case of **Jawala Prasad v. State of UP AIR [1954]** ALL 638 where his lordship quoted the passages of the judgment of Justice Malik CJ:-

“No question of withdrawal could then arise, his resignation having been already accepted. Even if his withdrawal of resignation application had been received before the resignation was accepted he could not claim an absolute right to withdraw his resignation. The resignation was unconditional and whether he could be permitted to withdraw that resignation is a matter within the discretion of the appointing authority”

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