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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 3904/2020

NEERAJ KUMAR UTTAM Petitioner
Through: Mr. Ankur Chhibber, Adv.

Versus

UNION OF INDIA & ORS. Respondents
Through Mr. Arun Bhardwaj, Mr. Abhishek
Sharma and Mr. Piyush Gaur, Advs.
with Mr. Vivek Kumar Singh, DC
Law, CRPF.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

HON'BLE MS. JUSTICE ASHA MENON

ORDER

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02.07.2020

[VIA VIDEO CONFERENCING]

CM No.13967/2020 (for exemption from filing fair typed copies) & CM No.13968/2020 (for exemption from filing duly affirmed affidavits and court fees)

1. Allowed, subject to just exceptions and as per the extant rules.
2. The applications are disposed of.

W.P.(C) No.3904/2020

3. The petitioner impugns the acceptance dated 12th March, 2018 of his resignation dated 27th November, 2017 from the post of Assistant Commandant in the respondents Central Reserve Police Force (CRPF) as well as the order, if any passed by the respondents qua the withdrawal dated

8th May, 2018 of resignation by the petitioner.

4. It is the case of the petitioner that the petitioner has not been communicated any decision taken on his request dated 8th May, 2018 for withdrawal of resignation or the reminder thereto dated 28th February, 2020. It is contended that under Rule 26(4)(iii) of the CCS (Pension) Rules, 1972, the petitioner having applied for withdrawal of resignation within 90 days from the date on which the resignation became effective, is entitled to consideration of his request for withdrawal. The counsel for the petitioner has also argued that though the CRPF has recommended withdrawal of resignation of the petitioner, as the petitioner during the time of his employment as Assistant Commandant from 19th December, 2011 onwards has displayed exemplary service, but the decision of the Central Government thereon is not known.

5. We have enquired from the counsel for the petitioner, whether not in the present case, the decision of the petitioner to resign cannot be said to be impulsive inasmuch the petitioner in his letter of resignation dated 27th November, 2017 sought to be relieved before 1st March, 2018. It is further enquired, whether there is place for fickle minded officers in the paramilitary forces. It is further put to the counsel for the petitioner, how the petitioner, after remaining out of service for more than two years, can be granted the relief of re-joining. It is not as if the petitioner, immediately after 8th May, 2018, when no decision was communicated to him on his request for withdrawal of resignation, approached the Court. The petitioner even then waited for close to two years to send a second communication. It *prima facie* appears that the officers of paramilitary forces cannot be permitted a sabbatical in this fashion.

6. The counsel for the petitioner states that since the petitioner was informed that his case had been recommended for acceptance of withdrawal of resignation, he thought it appropriate to wait.
7. Be that as it may, the counsel for the petitioner has also pleaded that the question of applicability of the aforesaid Rule to the personnel of the CRPF is under consideration before this Court in W.P.(C) No.3369/2020 listed next on 17th August, 2020.
8. Issue notice.
9. Notice is accepted by the counsel for the respondents appearing on advance notice.
10. Counter affidavit, if any be filed on or before 5th August, 2020.
11. Rejoinder thereto, if any be filed before the next date of hearing.
12. List along with W.P.(C) No.3369/2020 on 17th August, 2020.

RAJIV SAHAI ENDLAW, J.

ASHA MENON, J.

JULY 02, 2020

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