

GAHC010089772024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WA/191/2024

NITU KUMARI PANDEY
S/O- LT. MADAN PANDEY, R/O- NEW S.T. PATEL FIELD, P.O. DHURWA,
DIST.- RANCHI, JHARKHAND.

VERSUS

THE UNION OF INDIA AND 6 ORS
REP. BY THE SECY., MINISTRY OF HOME AFFAIRS, GOVT. OF INDIA,
NORTH BLOCK, CENTRAL SECRETARIAT, NEW DELHI

2:THE SECY.
MINISTRY OF HOME AFFAIRS
GOVT. OF INDIA
NORTH BLOCK
CENTRAL SECRETARIAT
NEW DELHI- 110068

3:THE DIRECTOR GENERAL
C.I.S.F.
BLOCK 13
CGO
COMPLEX
LODHI ROAD
NEW DELHI- 110003.

4:THE INSPECTOR GENERAL OF CENTRAL INDUSTRIAL SECURITY FORCE
NORTH EASTERN SECTOR
HEAD QUARTERS
KOLKATA
PREMISES NO. 563
EAST KOLKATA TOWNSHIP KASBA KOLKATA
P.O. E.K.T. P.S. ANANDPUR

KOLKATA
WEST BENGAL.

5:THE DY. INSPECTOR GENERAL OF CENTRAL INDUSTRIAL SECURITY
FORCE
NORTH EASTERN ZONE HEAD QUARTER KOLKATA
PREMISES NO. 563
EAST KOLKATA TOWNSHIP KASBA KOLKATA
P.O.- E.K.T. P.S. ANANDPUR
KOLKATA
WEST BENGAL.

6:THE SR. COMMANDANT
C.I.S.F. UNIT
ASG
MOHANBARI AIRPORT
P.O. MOHANBARI
P.S. LAHOAL
DIST. - DIBRUGARH
ASSAM.

7:THE COMMANDANT
C.I.S.F. UNIT
ASG
MOHANBARI AIRPORT
P.O. MOHANBARI
P.S. LAHOAL
DIST. - DIBRUGARH
ASSAM

Advocate for the Petitioner : MR. N K KALITA, MR D DEKA

Advocate for the Respondent : DY.S.G.I.,

BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 16-08-2024

(Vijay Bishnoi, CJ)

This writ appeal is filed by the appellant being aggrieved with the judgment dated

02-04-2024 passed by the learned Single Judge in W.P.(C) No. 9532/2019. The appellant has approached the writ court being aggrieved with the action of the respondent Central Industrial Security Force (CISF) for rejecting the prayer of the appellant for allowing her to withdraw the resignation filed by her.

The brief facts of the case are that the appellant was recruited as Constable in the CISF on 16-04-2009. Later on, vide order dated 14-09-2012, she was transferred to Dibrugarh. However, while working at Dibrugarh she resigned from the services vide communication dated 28-05-2013 and her resignation was accepted on the very next day, i.e. 29-05-2013. Thereafter, the appellant has filed application before the CISF authorities on 01-11-2013 seeking withdrawal of her resignation. However, said application was rejected by the CISF authorities on 29-11-2013. The appellant kept quite up to the year 2018 and thereafter, she had approached the Jharkhand High Court against the decision of the respondent authorities, where they have refused to allow her to withdraw her resignation. The Jharkhand High Court has dismissed the writ petition filed by the appellant on 14-02-2019 for want of territorial jurisdiction. The appellant had thereafter preferred writ petition before this Court challenging the action of the respondent CISF.

The learned Single Judge has taken into consideration of the fact that the application for withdrawal of resignation was filed by the appellant after 90 days. It is also the observation of the learned Single Judge that in the application for withdrawal of resignation, no exceptional circumstances were mentioned by the appellant. The learned Single Judge has further observed that the appellant has approached the Jharkhand High Court at a belated stage without assigning sufficient reasons. The learned Single Judge

has, therefore, refused to interfere in the matter.

Having heard the learned counsel for the parties and after taking into consideration the above facts and circumstances of the case, we are of the view that the learned Single Judge has not committed any illegality by not interfering in the matter.

Hence, there is no force in this writ appeal and the same is, therefore, dismissed.

JUDGE

CHIEF JUSTICE

Comparing Assistant