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

+ W.P.(C) 6785/2015

% *Judgment dated 30th July, 2015*

RAJPAL YADAV

..... Petitioner

Through: Mr. Vikram Saini, Advocate.

versus

UNION OF INDIA & ORS

..... Respondent

Through: Mr. Ruchir Mishra, Advocate and Mr.

Mukesh Kumar Tiwari, Adv for respondents 1, 2 & 5.

Mr.Naresh Kaushik with Ms. Twinkle, Advocate for
respondent No.4.

CORAM:

HON'BLE MR. JUSTICE G. S. SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G.S.SISTANI, J (ORAL)

1. By the present writ petition, the petitioner seeks quashing of the order dated 29th June, 2015, passed by the Central Administrative Tribunal.
2. The grievance of the petitioner in the OA was that the petitioner was working as an Inspector with respondent No.5 Indo-Tibetan Border Police (ITBP). He joined the Intelligence Bureau (IB), as ACIO-I/Exe. on 17th December, 2008, on deputation and continued to work there till 25th February, 2010, when he was asked to indicate his willingness to be permanently absorbed in the IB. The petitioner accordingly submitted his willingness vide his letter dated 25th February, 2010. His case for

permanent absorption was duly recommended by the sponsoring authority, i.e. his parent department (ITBP) and a 'No Objection Certificate' (NOC) was also obtained vide its letter dated 23rd September, 2011 from the parent organization. The petitioner was also called by IB for interview on 9th May, 2012, where the petitioner claims that he fairly agreed to work with them and he was assured that he would be permanently absorbed, subject to completion of formalities. However, while the petitioner hopefully continued to wait for his permanent absorption, a letter was issued by IB vide memo dated 20th November, 2012 repatriating the petitioner and relieving him from his duty, on account of completion of his extended deputation tenure of four years, to report to duty to his parent department i.e. ITBP.

3. After a detailed hearing in the matter, the petitioner who is present in court states that he does not want to press this writ petition. He undertakes to visit the office (IB, MHA, Government of India) tomorrow i.e. 31st July, 2015, at 11.00 A.M. to complete all the formalities, so that he can be relieved. He further states that he will join his parent Department i.e. ITBP by 5th August, 2015. Petitioner also states that in addition to the grounds raised, one of the reasons for not joining his parent department was the illness of his wife. He also submits that he will make a representation to ITBP his parent Department with regard to his regularisation of his leave and prays that respondent Nos. 1 and 2 be directed to consider the same sympathetically.
4. Mr. Ruchir Mishra, counsel for respondent Nos 1, 2 and 5 submits that in case a representation is made by the petitioner, the same will be considered sympathetically.

5. In view of the stand taken, leave is granted to the petitioner to withdraw the present writ petition. The present writ petition is accordingly dismissed as withdrawn. In case any representation is made, the respondents 1 and 2 will consider the same sympathetically.
6. Copy of the order be given dasti under the signatures of Court Master.

G. S. SISTANI, J.

SANGITA DHINGRA SEHGAL, J

JULY 30, 2015 / n