

\$~

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

%

Decided on: 23.11.2015

W.P.(C)10802/2015, CM APPL.27780/2015

RAHUL TRIPATHI

...Petitioner

Through: Mr. Akhilesh Kumar Pandey, Advocate.

Versus

**DIRECTOR GENERAL SASHAstra SEEMA BAL
AND ANR**

...Respondents

Through: Ms. Meera Bhatia, Advocate for UOI.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

S. RAVINDRA BHAT, J.

The petitioner challenges an order of 07.05.2014 cancelling his offer of appointment to the post of Assistant Commandant (GD) in the Sashastra Seema Bal ("SSB").

The facts are that the petitioner appeared in the Common Central Police Force (Assistant Commandant) Examination of 2010; on account of his meritorious performance, he was placed in serial no.162 and assigned to the post of Assistant Commandant (SSB). By an order of appointment dated 03.08.2012, the SSB required him to report to duties between 08.09.2012 & 11.09.2012. The petitioner appears to have sought for an extension of time by a letter dated 23.08.2012 on the ground of his father's illness. This request was acceded to and the SSB extended the time for his reporting. He

was now asked by an order to report on or before 11.03.2013 (hereafter referred to as 'first extension'). Before the extended date, in terms of the first extension, the petitioner appears to have sought for further time which was again granted by the SSB through its letter dated 17.12.2013; the petitioner was granted extensions again up to 27.01.2014 ('second extension'). Whilst on 20.01.2014, he addressed a letter contending that since his father was suffering from cardiac problem and is under the medical treatment in Doon Hospital, Dehradun, further extension of time should be granted. This was not acceded to and on 07.05.2014, the petitioner was intimated that his offer of appointment stood cancelled. It is contended that the petitioner kept writing to the authorities and was not given any proper information as to the status of his request made on 20.01.2014. It is further stated that the petitioner tried to elicit information under the Right to Information Act, 2005 but without any avail. Learned counsel relies upon the representation dated 29.04.2014 which is to the following effect: -

"Date: 29th April, 2014

*To,
The Inspector General (Pers)
Force Head Quarters (SSB)
East Block-V, R.K. Puram
New Delhi.*

Sub: Status of my Joining in SSB as Assistant Commandant.

Madam,

With due respect, it is intimated that I (Rahul Tripathi) am a selected candidate for the post of Assistant Commandant in Sashastra Seema Bal.

On receipt of joining letter in Jan, 2014 I had applied for extension of one month - 6 month on the ground my father's severe health problem and after that I did not receive any communication from SSB, which has dropped me & my family into anxiety.

Therefore it is requested that the latest status of my joining in the force may be intimated please so that I can prepare myself accordingly."

It is contended, therefore, that the order cancelling the petitioner's appointment is arbitrary and illegal.

The factual discussion would reveal that the petitioner was first asked to report between 08.09.2012 - 11.09.2012. At his request repeated extensions were granted. The first extension ended on 11.03.2013; and the second extension ended on 27.01.2014. Though the petitioner has placed on the record an application dated 20.01.2014 and he now contended that his enquiry from the SSB yielded no result, the representation made on 29.04.2014 does not mention about any visit to the SSB, he appears to have proceeded on the assumption that mere issuance of letter seeking extension was sufficient to relieve him of an obligation to join before the time granted under the second extension. This Court is conscious of the fact that recruitment process commenced in 2010 and ended with the declaration of result and the offer of appointment - made on 03.08.2012. The SSB granted repeated extensions. The condition for his entry into the SSB was that he ought to have joined the force within the time granted. The petitioner sought no less than three extensions - spread out over more than a year. The SSB's action after 27.01.2014 is in the opinion of this Court reasonable in the circumstances of the case. In the conspectus of the facts, the

contention that the cancellation of appointment is arbitrary cannot be accepted. The writ petition lacks merit and is consequently dismissed.

**S. RAVINDRA BHAT
(JUDGE)**

**DEEPA SHARMA
(JUDGE)**

NOVEMBER 23, 2015
/vikas/

