

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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CWP-19151-2016 (O&M)
Date of decision: 16.09.2016

Sumit Parik

....Petitioner

Versus

Union of India and others

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: Mr. Vishavdeep Singh Rana, Advocate for the petitioner.

P.B. Bajanthri, J. (Oral)

In the instant writ petition, the petitioner has sought for a direction to the respondents to rejoin to the post of Constable (G.D.) in ITBP Force.

2. The petitioner is stated to have been appointed as a Constable in 29, Battalion ITBP on 25.11.2011. Due to domestic problem at home, it is stated that petitioner submitted voluntary resignation. The same was accepted by the respondents in the year 2013. Thereafter, he has approached the respondents seeking rejoining as a Constable in ITBP. On 29.12.2015, petitioner's grievance has been rejected. The petitioner is seeking writ of mandamus to the respondents to take him to the post of Constable (G.D.) in ITBP Force. Firstly, the petitioner has not challenged the rejection of his claim dated 29.12.2015 wherein the respondents had refused to entertain his grievance on the score that there is no provision for rejoining him in ITBP

Force. Secondly, the petitioner is seeking writ of mandamus directing the respondents to rejoin the petitioner to the post of Constable (G.D.) in ITBP Force. In the absence of any provision, the petitioner has no right to seek writ of mandamus under Article 226 of the Constitution of India. Thus, the petitioner has not made out a case so as to issue directions to the respondents.

3. Accordingly, petition stands dismissed.

16.09.2016
pooja saini

(P.B.BAJANTHRI)
JUDGE

Whether speaking/reasons	Yes/No
Whether Reportable:	Yes/No