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

+ W.P.(C) 1921/2016

DEVENDER SINGH Petitioner

Through: Ms.Saahila Lamba, Advocate.

versus

UNION OF INDIA AND ORS Respondents

Through: Ms.Nidhi Prashar, Mr.Harsh Ahuja &
Ms.Anumita Chandra, Advs. for R-1
to 3.

CORAM:

HON'BLE MS. JUSTICE INDIRA BANERJEE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **02.09.2016**

The petitioner applied for and was selected for appointment to the post of Constable in the Central Reserve Police Force in the year 2013-2014. While the petitioner was undergoing training after appointment, the petitioner submitted an application dated 10th February, 2015 resigning from service. According to the petitioner he had tendered his resignation as he had gone into depression. The resignation of the petitioner was duly accepted by the competent authority on 12th February, 2015.

As required, the petitioner refunded a sum of Rs.60,000/- odd spent by the authorities concerned on the training of the petitioner. Later, however, the petitioner made an application seeking withdrawal of his resignation. By the office orders dated 12th March

2015 and 2nd May, 2015, the request of the petitioner for reinstatement in service was rejected.

It is not in dispute that the petitioner made a request for withdrawal of his resignation very soon after he submitted his letter of resignation, which had been accepted within two days from the date of submission thereof.

It is true, as argued by Ms.Nidhi Prashar, learned counsel appearing on behalf of the respondent-authorities, that the rules do not permit withdrawal of a resignation that is once accepted. Ms.Saahila Lamba, learned Counsel appearing on behalf of the writ petitioner referred to the Central Civil Services (Pension) Rules, 1972 and in particular Rule 26(4) thereof. However, the CCS (Pension) Rules apply to civilian Government servants in the Defence services appointed substantively to civil services and posts in connection with the affairs of the Union which are borne on pensionable establishments. The rules have no application to the petitioner and other trainees who were not substantively appointed. However, the fact remains that the petitioner is similarly, if not identically circumstanced as some others who tendered their resignation in course of their training and were allowed to withdraw their resignation.

The petitioner is similarly circumstanced as the petitioner in W.P.(C) No.7671/2013 (Ravi Tomar vs. Union of India & Ors.) and also the writ petitioner in the writ petition being W.P.(C) No.5789/2016 (Deepak vs. Union of India & Ors.) where the Division Bench of this Court directed the respondents to accept the application

of the concerned writ petitioners for withdrawal of their resignation and to allow the petitioner to rejoin the training.

The petitioner, as observed above, being similarly circumstanced and the orders of the Division Bench of this Court having been implemented and acted upon, we see no reason why the petitioner should not be meted out similar treatment.

The respondent-authorities shall permit the petitioner to withdraw his resignation as has been done in the cases of Shri Jagbeer, Shri Vivek Kumar, Shri Ravi Tomar and Shri Deepak.

Learned counsel appearing on behalf of the writ petitioner undertakes on behalf of the writ petitioner that the writ petitioner shall not claim seniority from the date of his initial appointment. Seniority may be computed from the date on which the petitioner rejoins training.

It is further made clear that this order having been passed in the special facts and circumstances of this case, shall not be treated as a precedent. It will be open to the respondent- authorities to issue necessary orders/circulars clarifying to all trainees that resignation once accepted shall not be permitted to be withdrawn in future.

The writ petition is disposed of.

INDIRA BANERJEE, J

V. KAMESWAR RAO, J

SEPTEMBER 02, 2016

gm

