

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6649 of 2016

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1. Chandan Krishan Pandey S/o Vinay Kumar Pandey, resident of Village and P.O.-
Kobil, P.S.- Islampur, District- Nalanda.

.... Petitioner/s

Versus

1. The Union of India.
2. The Director General, Border Security Force, Ministry of Home Affairs, Govt. of India, New Delhi.
3. The Inspector General, H. Qrs. Rajasthan Fortier Zodhpur, Rajasthan.
4. The Deputy Commandant, H. Qrs. Rajasthan Frontier, Jodhpur, Rajasthan.
5. The Director General Central Industrial Security Force Block No. 13, C.G.O. Complex Lodhi Road, New Delhi- 110003.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Atul Kumar Pandey, Adv.

For the Respondent/s : Mr. S.D Sanjay, Addl. Soc. Gen.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 23-03-2017

Heard Mr. Atul Kumar Pandey, learned counsel for the petitioner and Mr. S.D. Sanjay learned Additional Solicitor General who appears through Mr. Rajesh Kumar Verma learned Central Government Counsel for the Union of India.

This is a second round proceeding initiated by the petitioner with his earlier round proceeding culminating in the order dated 27.1.2016 passed in C.W.J.C.No.10861 of 2015 whereby this Court taking note of the circumstances in which the petitioner resigned voluntarily from the services of Border Security Force on 15.7.2013 and without granting indulgence to the prayer made, allowed him to



represent before the authorities of the Border Security Force for taking a sympathetic view in the matter of his voluntary resignation. The matter has been considered and rejected vide order dated 11.2.2016 of the Assistant Commandant (Ministerial) for and on behalf of the Inspector General of Border Security Force.

Mr. Pandey, learned counsel for the petitioner again prays for compassionate view of the matter while relying upon Rule 88 of the Central Civil Services (Pension) Rules, 1972 [hereinafter referred to as 'the CCS (Pension) Rules'] to submit that although a period of 90 days has been prescribed for withdrawing a resignation in terms of Clause (iii) of Sub rule (4) of Rule 26 but in view of the power of relaxation vested in the authority under Rule 88 thereof, the delay should have been condoned. In fact, it is taking note of similar submission that this Court without granting indulgence to the prayer made by this petitioner in the previous round of proceeding, allowed him to represent before the authority of the Border Security Force. The matter was considered and the respondent authorities concerned taking note of the stipulations present at Rule 26(4) (3) of 'the CCS (Pension) Rules,' as well as the fact that the petitioner has chosen to renew his prayer after a period of 3 years but also considering the fact that an incorrect reason was given by the petitioner to file his resignation, have chosen not to exercise the jurisdiction to either



condone the period or to condone the default.

Considering the reasons accompanying, the order dated 11.2.2016 of the Assistant Commandant (Ministerial) for and on behalf of the Inspector General of Border Security Force, respondent No.3 present at Annexure-11, I am not persuaded to grant indulgence to the issue raised.

The writ petition is disposed of.

(Jyoti Saran, J)

Bibhash/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.04.2017
Transmission Date	NA

