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

+ **W.P.(C) 1052/2017**

Date of decision: 19th September, 2017

PRINCE CHAHAL

..... Petitioner

Through Ms.Sriparna Chatterjee and
Mr.Soumitra Chatterjee, Advs.

Versus

DIRECTOR GENERAL BORDER SECURITY FORCE AND
ORS. Respondents

Through Mr. Dev P. Bhardwaj, CGSC with
Mr. Satya Prakash Singh and Ms.
Anubha Bhardwaj, Advs.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAVIN CHAWLA

SANJIV KHANNA, J. (Oral)

The petitioner, Prince Chahal, having cleared the Central Armed Police Force (CAPFs) Examination-2015, was selected for appointment to the post of Sub-Inspector in the Border Security Force (BSF).

2. The offer of appointment letter dated 03.10.2016 had required the petitioner to report to the Director, BSF Academy, Tekanpur, Gwalior (M.P) by 21.11.2016. Paragraph 11 had warned that failure to join the Academy on 21.11.2016 would result in automatic cancellation.

3. It is the case of the petitioner that he had 10.11.2016 suffered minor injury for which he was treated in the Civil Hospital, Sonipat (Haryana) and advised rest for three weeks. By the letter dated 10.11.2016, the petitioner had sought extension of time to join the Academy. Copy of this letter has not been placed on record.
4. The respondent by letter dated 24.11.2016, nevertheless, granted the petitioner extension of time requiring him to report at the Academy on or before 20.01.2017. Nearly, two months time was granted. Paragraph 3 of this letter dated 24.11.2016 had warned that on failure to report at the Academy on or before 20.01.2017, the petitioner's candidature for the post of Sub-Inspector (DE) through CAPF(s) Exam-2015 would stand cancelled automatically and no further correspondence on the subject matter would be entertained in future under any circumstances. Thus, one and last extension was granted.
5. It is the case of the petitioner that he was working with Life Insurance Corporation of India at their branch office at Panipat. The petitioner claims having tendered his resignation on 06.01.2017, which was accepted on 16.01.2017. The resignation letter, it is obvious, was tendered in the extended period of joining and not by 21.11.2016, which was the original date of joining the BSF Academy.
6. The petitioner contends that he had booked train tickets to travel to Gwalior on 18.01.2017. Though, the petitioner has given the PNR number, copy of ticket or the date of cancellation has not been disclosed.
7. The petitioner contends that he had postponed his travel to 20.01.2017. A copy of his train ticket for travel on 20.01.2017 is filed and relied.

8. The petitioner claims that on account of injury in the right ankle, he was unable to board the train on 20.01.2017. The petitioner, in support, submits that he was examined in the Ram Manohar Lohia Hospital, at New Delhi, prescribed medicines and advised to take rest for three days. The petitioner has placed on record, as annexure P/6, medical prescription slip, issued by Dr. Ram Manohar Lohia Hospital, New Delhi.

9. The petitioner states that he had accordingly addressed another letter to the BSF Academy seeking extension of one month to report to the Academy.

10. Perusal of the medical prescription (annexure P/6) issued by Dr. Ram Manohar Lohia Hospital, would show that the petitioner had reported and was examined the said hospital on 23.01.2017. The petitioner had claimed that he had fallen the day before. Plea that the petitioner could not board the train on 20.01.2017 due to injury in his right ankle is belied by the very medical certificate relied upon. The assertion is false, and a mere pretence and excuse to cover up the lapse and failure to report to the Academy by the due date.

11. During the course of arguments, counsel for the petitioner had submitted that the petitioner had in fact vide letter dated 20.01.2017 requested for extension of time to join the BSF Academy and that inadvertently in the writ petition the date of letter is mentioned as 23.01.2017. A copy of the letter was handed over to us. The same is quoted by us below:-

“I Prince Chahal s/o Z.S. Chahal, Roll No.2002009780, SLB No.00540, received letter dated 21st Nov. 2017, as my

application was accepted and I was asked to report at Tekanpur Academy on 20th Jan'17. I was prepared and excited to join this elite force. I resigned from the post of Development Officer, LIC of India on 16th Jan'17 in order to join the post of Sub-INSP. in BSF. I had my train's reservation too on 20th Jan'2017 in order to report at BSF Academy, Tekanpur (PNR No.2227136146 from NZM to GWL). Sir, my younger sister is suffering from neurological ailment epilepsy from the past few months. Last week she had to face sudden seizer and bileptic shocks for which she was given immediate treatment. Her situation is critical sir. Doctor have advised proper care for her. My father and mother both are working on contractual basis for which I need to present with her for her routine check-ups. Sir, I badly need this job as its my passion and dream to join BSF. But sir, at this time sister needs my presence too. Sir, I am in a big dilemma. Being from poor background I know the value of this job. So, I beg you Sir that please allow me one month extension or if possible please consider me for the training in next available batch. I have attested all the necessary documents as proof with this letter. Please accept my request sir. I will be highly obliged by this act of yours Sir."

12. Perusal of the letter would show that the petitioner had requested for extension of time on account of the ill-health of his sister and not because he had suffered any injury. In light of the contents of this letter, it was improbable and highly unlikely that the petitioner would have travelled to Delhi for his train journey on 20.01.2017. As per the postal tracking report handed over to us to establish delivery of the said letter on the respondent, the said letter was posted from Engineering College, Murthal on 23.01.2017. Clearly the petitioner has not disclosed true and

correct facts in the writ petition filed before us. The statement made before us that the letter was posted on 20.01.2017 is false.

13. The respondent in the counter affidavit have placed reliance on Office Memorandum dated 09.08.1995, to contend that the offer of appointment had lapsed automatically on failure of the petitioner to report at the BSF Academy on or before 20.01.2017. We quote paragraph 2 of the said Office Memorandum which reads as under:

“2) The Staff side of the Departmental Council (JCM) of DOP&T have demanded that direct recruits may be allowed a maximum of three months for joining instead of nine months provided for in the OM under reference so as to avoid delay in preparation and issue of select/seniority list. The matter has been examined in consultation with the UPSC and it has been decided to reduce from nine months to six months the maximum time upto which an offer of appointment can be kept to open. In other words, an offer of appointment should clearly specify the period (which shall not normally exceed one or two months) after which the offer would lapse automatically if the candidate did not join within the specified period. If however, within the specified period, a request is received from the candidate for extension of time, it may be considered by the Ministries/Departments but extension beyond three months should not be granted liberally and it may be granted only as an exception where facts and circumstances so warrant and in any case only upto a maximum of six months from the date of issue of the original offer of a appointment. An offer of appointment would lapse automatically after the expiry of six months from the date of issue of the original offer of appointment.”

Clearly, the Office Memorandum restricts the joining period to be granted in terms of offer of appointment. The offer of appointment had to specify the period, after which the offer would lapse. Only if and when request for extension are made within the stipulated period, a maximum extension of three months could be granted for joining. Such requests are not be granted liberally and are an exception. Maximum extension of upto six months can be granted. The intention is to restrict and curtail random and liberal extensions. This, is necessary and required as extensions cause delay in preparation and issue of select/ seniority lists.

15. The respondents were indulgent when they had granted extension of two months on the first request of the petitioner. The second extension letter posted by the petitioner on 23.01.2017 was after or post the extended date of joining i.e. 20.01.2017. Thus, request for further extension of time was not made within the extended or stipulated period.

16. As noted above, the original offer for appointment vide letter dated 03.10.2016 as also the extension letter dated 24.11.2016 had forewarned the petitioner that in case he fails to join the BSF Academy on or before the stipulated date, his offer of appointment would be cancelled automatically.

17. We have also gone through the purported reasons given by the petitioner for his inability to join the BSF Academy within the stipulated extended period and have found no merit in the same. In fact, false and incorrect assertions have been made in the writ petition and before us. The same have weakened the petitioner's case. We are not inclined to exercise our discretion in favour of the petitioner. One of the most

important attribute required in an armed force is discipline. The petitioner, however, has shown lack of it at the very inception.

18. We have been informed by the respondents that all candidates pursuant to CAPF(s) exam-2015 have already joined and commenced their training.

19. In view of the above, we find no merit in the present writ petition and the same is accordingly dismissed with no orders as to cost.

SANJIV KHANNA, J

NAVIN CHAWLA, J

SEPTEMBER 19, 2017/umang

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