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

+ **W.P.(C) 1359/2017**

RAMBIR

..... Petitioner

Through Ms. Saahila Lamba, Advocate.

versus

UNION OF INDIA AND ANR

..... Respondents

Through Mr. Anil Panwar, CGSC along with
Mr. S.S. Sejwal, Law Officer, CRPF
for respondents.

CORAM:

HON'BLE MS. JUSTICE INDIRA BANERJEE

HON'BLE MR. JUSTICE ANIL KUMAR CHAWLA

ORDER

% **15.02.2017**

In this writ petition, the petitioner has challenged an office order dated 21.07.2016, whereby, the prayer of the petitioner for withdrawal of his resignation from service has been rejected and has further sought a writ of mandamus directing the respondents to reinstate the petitioner in service with all consequential benefits.

The petitioner was given compassionate appointment in the Central Reserve Police Force (CRPF) after the death of his father who had rendered service for about 30 years. According to the petitioner, the petitioner was under a lot of mental stress for which, he submitted his resignation in December, 2012. The competent authority accepted the resignation of the petitioner w.e.f. 10.12.2012. The name of the petitioner was struck off from

the rolls of the CRPF w.e.f. 10.12.2012. About four years later, the petitioner decided to withdraw his resignation. On or about 13.06.2016, after lapse of almost four years, the petitioner applied for withdrawal of his resignation. The application of the petitioner has been rejected by the impugned order.

Ms. Lamba submits that the application has been rejected on the misconceived ground that there is no provision for withdrawal of resignation under the CRPF Rules. Reliance has been placed by Ms. Lamba on a judgment of a Division Bench of this Court of which one of us Indira Banerjee, J. was a member in W.P.(C) No. 1921/2016 (Devender Singh v. Union of India and Ors.).

In the aforesaid case, the Division Bench directed the respondent authorities to permit the petitioner to withdraw his resignation as the petitioner was similarly circumstanced to Sh. Jagbeer, Sh. Vivek Kuma, Sh. Ravi Tomar and Sh. Deepak who had been allowed to withdraw their resignation.

As noted in the order of the Division Bench, it was not in dispute that the petitioner, in that case, had 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. Reinstatement in that case had been refused on the ground that the resignation was sought to be withdrawn after acceptance thereof. In this case as observed above, the petitioner sought to withdraw his resignation after almost four years. Resignation once accepted, cannot ordinarily be withdrawn, and certainly not after four years.

The writ petition is, therefore, dismissed.

INDIRA BANERJEE, J

ANIL KUMAR CHAWLA, J

FEBRUARY 15, 2017

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