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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **WP(C) 436/2017**

Date of decision : 27th July, 2017

PADMANABH UPADHYAY Petitioner
Through: Mr.Sanjay Kumar Yadav,
Mr.A.K.Dubey, Advs.

versus

UNION OF INDIA AND ORS Respondents
Through: Ms.Shiva Lakshmi, CGSC with
Mr.Sri Ram Krishna, Adv.

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE NAVIN CHAWLA

SANJIV KHANNA, J. (Oral)

The writ petitioner Padmanabh Upadhyay, prays for quashing of the order dated 2nd May, 2016 and seeks restoration of offer of appointment and directions to the respondents to appoint him as Assistant Commandant (DE), in the Border Security Force (BSF).

2. The facts are not in dispute. The petitioner had appeared in the Central Armed Police Force (Assistant Commandant) Exam 2012, for the post of Assistant Commandant (DE). On being successful, vide offer of appointment letter dated 11th December, 2014, he was directed to report to the Director, BSF

Academy at Tekanpur, Gwalior (MP) on 19th January, 2015 failing which the offer of appointment would automatically stand cancelled.

3. The petitioner vide letter dated 16th January, 2015, sought a three months' extension on the ground of his father's sickness, who it was stated was suffering from chronic liver disease and severe arthritis in both knees for which knee replacement surgery was advised.

4. The request for extension of time was partly allowed vide communication dated 11th February, 2015 directing the petitioner to report to the Director of Academy by 23.02.2015 failing which the offer of appointment would lapse. Reliance was placed on the Border Security Force Group-A (General Duty Officers), Recruitment (Amendment) Rules, 2012 which are reproduced below:-

“(i) An offer of appointment issued by the Ministry or Departmental (sinc.) shall be valid for ‘FOUR WEEKS’ from the date of joining as mentioned in the offer of appointment after which offer would lapse automatically.

(ii) If, however, within the specified period of ‘FOUR WEEKS’, a request is received from the candidate for extension of time and after due consideration by the Ministry he may be granted extension for a maximum period of ‘TWO WEEKS’ in addition to the ‘FOUR WEEKS’ if facts and circumstances deem it necessary to do so. The

candidates who join within a period of ‘SIX WEEKS’ shall have their seniority fixed as per sub-rule (3) (b).

(iii) If even after the extension (s) granted by the Ministry, a candidate does not report within the stipulated time (which shall not exceed a period of six weeks), the offer of appointment shall lapse automatically.”

5. The petitioner failed to avail the opportunity and sought for another extension vide letter dated 21st February, 2015, in view of his family condition and personal injury.

6. As extension beyond six weeks was impermissible under the Recruitment Rules, the petitioner was directed to report to the Director of Academy on or before 2nd March, 2015, vide communication dated 26.02.2015, failing which his offer of appointment would stand cancelled and no further representation would be entertained.

7. Yet again, the petitioner did not join the Academy and wrote another letter dated 2nd March, 2015 stating, inter alia, that he had been advised by doctors to take strict bed rest and hence could not report within the stipulated time.

8. In response, the respondents vide letter dated 12th March, 2015, informed the petitioner that the offer of appointment had already lapsed and his candidature consequently stood cancelled.

9. After waiting for one year, the petitioner wrote the letter dated 22nd April, 2016, seeking reinstatement in service stating that due to his illness and unavoidable family circumstances he was unable to report to the Academy by the stipulated dates.

10. His request for reinstatement was rejected vide impugned letter dated 2nd May, 2016, which has now been challenged before us.

11. The present writ petition was preferred by the petitioner in this Court on 19th October, 2016. The writ petition was returned under office objections and was re-filed on 16th January, 2017.

12. Looking at the nature of defaults, extensions granted on two occasions, and the failure to report after long lapse of time, we are not inclined to interfere or grant any relief to the petitioner who seeks employment in the BSF which is an Armed Paramilitary Force. Indulgence is unwarranted and unjustified. The Rules have to be strictly complied with.

13. The writ petition has no merit and the same is dismissed. No costs.

SANJIV KHANNA, J

NAVIN CHAWLA, J

JULY 27, 2017
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