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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 8868/2017, CM No. 36253/2017
AMIT RAI

..... Petitioner

Through: Mr. Ashok Singh, Adv.

versus

UNION OF INDIA AND ANR

..... Respondent

Through: Mr. Roshan Lal Goel, Adv. with Ms.
Anju Gupta, Adv. for R-1/UOI

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **10.10.2017**

1. The present petition has been filed by the petitioner challenging orders dated September 26, 2016, November 03, 2016 and November 28, 2016. Vide the said impugned orders, the request of the petitioner for extension of lien was not processed; the petitioner was informed that his technical resignation is treated as a final resignation; and the acceptance of his technical resignation as a resignation.
2. The facts are, the petitioner while working as Deputy Chief (Building Materials), Building Materials and Technology Promotion Council joined UNIDO Union an International Expert (Team Leader).
3. The petitioner sought the permission of the respondents to join

UNIDO. The respondents acceded to his request with an undertaking from the petitioner dated October 10, 2014 that he would join back his services with respondent No.2 on October 16, 2016. Suffice to state, during the said period, the petitioner's lien was maintained in BMTPC. In terms of the undertaking, it was made clear that in the eventuality, the petitioner does not join his duties at BMTPC on or before October 16, 2016, his technical resignation shall be treated as a final resignation.

4. Concedingly, the petitioner did not join his post at BMTPC in the year 2016 rather he continued in UNIDO, on the strength of extension granted by UNIDO. On his failure to join his post at BMTPC, the respondents had invoked the undertaking and accepted his technical resignation as a final resignation in terms of the two impugned orders referred above i.e November 03, 2016 and November 28, 2016.

5. Concedingly, the petitioner has not challenged those communications till date. The period of his extension of one year with UNIDO (as granted by UNIDO) is coming to an end on October 16, 2017. It appears the same has triggered the filing of the petition. The aforesaid facts reveal, it is almost one year since the impugned orders have been communicated. The petitioner should have challenged the same immediately thereafter. Rather,

he continued on the extension granted by UNIDO without the approval of BMPTC. This surely suggest that the petitioner was more interested in his continuance with the UNIDO, instead of joining back his parent organization BMTPC.

6. That apart, the impugned orders are pursuant to an undertaking given by the petitioner that in the eventuality, he does not join back BMTPC, his technical resignation be treated as a final resignation.

7. The plea of the learned counsel for the petitioner that the said undertaking was taken under pressure/duress is unsustainable, as on a specific query to the learned counsel for the petitioner, whether the petitioner has written any letter resiling from the undertaking, the answer was in the negative.

8. In view of the above, I do not see any merit in the petition. The same is dismissed.

CM No. 36253/2017

Dismissed as infructuous.

V. KAMESWAR RAO, J

OCTOBER 10, 2017/ak