

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 5707 of 2018

Hitesh Kumar S/o Late Mahender Singh Aged About 27 Years R/o Flat No. 4-C, Block C-2, Uttarayan Complex, Opposite Axis Bank, 40 Dum-Dum Road, P.O. Mothijheel, Kolkata (West Bengal).

---- Petitioner

Versus

1. Union Of India Through - Secretary, Ministry Of Home Affairs, New Delhi.
2. Director General Central Industrial Security Force, CGO Complex, Lodhi Road, New Delhi.
3. Senior Commandant CISF Unit, BIOM, Kirandul, District Dantewada Chhattisgarh.
4. Assistant Commandant CISF Unit, BIOM, Kirandul, District Dantewada Chhattisgarh.

---Respondents

For Petitioner	:	Mr. C. Jayant K. Rao, Advocate
For Respondent No.1	:	Mr. Rajkumar Gupta, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16/11/2018

1. The prayer made by the petitioner in the present writ petition is for a direction to the respondents to accept resignation of the petitioner and also further prayed for dropping of the departmental enquiry initiated by the respondents against the petitioner.
2. The facts of the case is that the petitioner was working under the respondents as a Constable (GD). He had obtained the employment on compassionate ground. The petitioner had taken casual leave for 10 days from 24.01.2018 till 04.02.2018. However, the petitioner did not report for duty and extended his leave without any sought of approval or authorization from the higher authorities. During the leave period itself, the petitioner had tendered his resignation with the department on 02.02.2018 through an e-mail. A resignation letter

was also sent by registered post. The petitioner by then had put in about roughly one year of service. Since the petitioner had overstayed his leave, the respondents had initiated the disciplinary action. The fact that the petitioner had tendered his resignation, this Court had stayed the departmental enquiry initiated by the respondents.

3. The respondents on notice have filed their reply. The respondents have now accepted the fact that they are willing to accept the resignation of the petitioner subject to his depositing three months of salary or an amount of Rs.95,613/- whichever is more at the earliest and on fulfilling the said condition, the respondents would accept his resignation.
4. On instructions, the counsel for the petitioner submits that the petitioner is willing to deposit the said amount by way of demand draft at the earliest and he submits that on the said submission of the demand draft, his resignation may be promptly accepted by the respondents, to which the counsel for the respondents submits that it shall be duly acted upon.
5. The respondents have also specifically said so in paragraph No. 9 of their reply, which they have filed. They have also given an assurance in paragraph No.9 of the reply that they shall also not further process with the disciplinary proceeding initiated against the petitioner subject to his fulfilling the aforesaid condition.
6. On the submissions made by the counsel for the petitioner that he shall deposit the amount of Rs.95,613/- at the earliest and the

assurance given by the respondents in their reply, this Court is of the opinion that nothing further remains to be adjudicated.

7. The writ petition thus stands disposed off with a direction to the petitioner to deposit the amount of Rs.95,613/- at the earliest to the respondents and on the receipt of the said payment, the respondents shall also forthwith act upon it and pass a suitable order within a period of 60 days from the date of receipt of the amount to be deposited by the petitioner.
8. The writ petition accordingly stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved