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

+ W.P.(C) 5234/2015

PIYUSH PANDEY

..... Petitioner

Through: Mr M. G. Philip and Ms Purnima
Krishna, Advocates.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr Arun Bhardwaj, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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25.09.2018

C.M. No. 38783/2018

1. This is an application for early hearing. With the consent of the parties, the matter is taken up for early hearing.

W.P.(C) 5234/2015

2. The petitioner has filed the present petition, *inter alia*, challenging the termination of the petitioner as PMRDF Fellow, which was informed to him through an email dated 17.11.2014 (the impugned communication). The petitioner also prays that direction be given for reinstating the petitioner as PMRDF Fellow. The petitioner was selected as a Prime Minister Rural Development Fellow (PMRDF) in the year 2014 after undertaking a selection process which involved competency test, written test and an interview.

3. The petitioner was assigned the Bihar State and was directed to

proceed to the West Champaran District for his orientation (referred to his field immersion programme). Concededly, the petitioner did not complete the said programme and absented himself without any permission. Since the petitioner had absented himself without authorization, his fellowship was terminated. The petitioner made a representation against the said termination. He explained that there were certain unforeseen developments in his family surrounding the breakdown of his sister's marriage that compelled him to take leave. He requested that he be permitted to complete his programme. This request was acceded to and by communication dated 25.07.2014, the petitioner was asked to undergo the entire field immersion calendar

4. Thereafter, on 02.10.2014, respondent no.3 sent an email informing the petitioner that he was assigned to the State of Jammu and Kashmir and that "*the field immersion begins on 08.10.2014*". In view of the aforesaid communication, there could be no doubt that the petitioner had to commence his programme afresh on 08.10.2014 in the State of Jammu and Kashmir. Apparently, the petitioner was not willing to be assigned to the State of Jammu and Kashmir. Accordingly, he sent an email dated 04.10.2014 protesting against being assigned to the State of Jammu and Kashmir. The petitioner has also protested that no fresh choice of preference was sought from him. This email has been suppressed by the petitioner in the present petition. The petitioner, thereafter, sent another email dated 07.10.2014 now seeking information as to where he was to join the programme. In response, respondent no.3 also sent an email on the same day (i.e. 07.10.2014), informing the petitioner that they were attempting to get through him and

further informing him that he would have to report to the Institute of Management, Public Administration and Rural Development, J&K. The said email also enclosed an earlier email indicating the contact details of the persons in the State of Jammu and Kashmir as well as the programme details of the orientation.

5. In response to the said email, the petitioner sent another email dated 07.10.2014 stating that he would require a minimum 24 hours to reach Jammu Tawi by rail route and, therefore, requesting that he be informed of the place of reporting. In response to the aforesaid mail, the petitioner was provided further details on the very same date.

6. Despite receiving the details, the petitioner did not make any efforts to reach the venue at the earliest. After waiting for four days, he sent an email dated 12.10.2014 stating that he would be reaching Jammu on 13.10.2018. He explained the delay by stating that he had fallen ill. He stated that he had low haemoglobin and he was facing problem in maintaining balance due to vertigo and weakness.

7. Respondent no.3 responded by an email on the same date informing the petitioner that it was not possible to now accept him for the programme, as he had missed the programme orientation; therefore, it was not possible for the petitioner to complete the programme of field immersion, which was scheduled from 14.10.2014 to 28.10.2014. He was told that his delay in joining the programme will be treated as non completion of the orientation programme.

8. The learned counsel appearing for the petitioner seeks to challenge the impugned communication, essentially, on two grounds. First, he submits

that the communication dated 07.10.2014 issued by respondent no.3 directing the petitioner to join the programme on 08.10.2014 was unreasonable, as it did not provide the petitioner reasonable time to join the programme. Second, he submits that the respondents have taken the decision in violation of Paragraph 14.2 of the relevant guidelines, which requires the respondents to afford the petitioner a hearing before taking any such decision.

9. Insofar as the first contention is concerned, this Court finds no merit in the same. The petitioner was duly informed on 02.10.2014 that he was to join the programme in the State of Jammu and Kashmir. The said email also contained the contact details of the officer, who had sent the email. In the event, the petitioner required further details as to the place of the joining, he had had full opportunity to contact the concerned officer and take the details. Concededly, the petitioner did not do that; instead, he sent an email two days later protesting against being assigned the State of Jammu and Kashmir. As noticed above, the petitioner has also suppressed the said email (email dated 04.10.2014) and the petition is liable to be dismissed on this ground alone.

10. The petitioner, thereafter, waited for further three days to send another email dated 07.10.2014 now seeking information as to the venue where he was required to report. Concededly, the same was provided to him on that date itself, although much later. The petitioner, thus, could have proceeded to Jammu and Kashmir and could have reported at the venue within 24 hours, as he has stated in his email. However, he did not do so. He waited for another five days to now send an email stating that he was unwell and, therefore, could not join the programme. It is relevant to note

that no such information had been sent by him earlier.

11. In view of the above, this Court is of the view that the petitioner is disentitled to any discretionary relief.

12. Insofar as the contention that the petitioner has not been heard before termination of the fellowship is concerned, the same must be considered in the context that his fellowship was terminated earlier and this was the second chance that was afforded to him. Having stated above, this Court is of the view that, nonetheless, the petitioner should have been given an opportunity of being heard, as required under the requisite guidelines.

13. However, this Court is of the view that no relief can be granted to the petitioner as the learned counsel for the respondents states, on instructions, that the fellowship programme is now over and, therefore, there is no possibility of accommodating the petitioner even if the respondents were to take decision in his favour.

14. The petition is, accordingly, dismissed.

15. The petitioner requests that he be permitted to approach the concerned authorities for completion of his studies. The petitioner's request would be considered in accordance with law. It is clarified that this Court has not expressed any opinion on this request.

16. The hearing scheduled on 10.04.2019 stands cancelled.

SEPTEMBER 25, 2018/MK

VIBHU BAKHRU, J