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

+ **W.P.(C) 10948/2018**

SANJAY SAGDEO

..... Petitioner

Through : Mr. Saurabh jAgarwal, Ms.Komal and
Mr.Siddharth Gupta, Advocates.

versus

DEDICATED FREIGHT CORRIDOR

CORPORATION OF INDIA LTD. AND ANR..... Respondents

Through : Mr. V.S.R.Krishna, Advocate for R1.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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12.10.2018

CM APPL. 42655/2018 (Exemption)

Allowed, subject to all just exceptions.

This application stands disposed of accordingly.

W.P.(C) 10948/2018 & CM APPL. 42654/2018 (Stay)

1. Vide the present petition, the petitioner seeks directions to the respondent No. 1 to accept the resignation of the petitioner dated 24th July, 2018 and quash the office order dated 10th September, 2018 issued by the Dedicated Freight Corridor Corporation of India/Respondent No. 1, whereby, the respondent No. 1 has illegally demanded the repayment of the entire bond amount of Rs.8,00,000/- (Rupees Eight Lacs). The petitioner further seeks direction to declare

the HR Policy Circular No. HQ/HR/3/Prom.Pol/13 dated 28th May, 2013 as being arbitrary and illegal.

2. The grievance of the petitioner is that he has completed four years and eight months in the present employment as on date and the total bond period was five years. The petitioner has been selected by Chhattisgarh Railway Corporation Limited and he has to join there after extension of time on or before 17th October, 2018.

3. After receiving appointment from the aforesaid employer, the petitioner submitted his unconditional resignation dated 24th July, 2018, and gave 90 days notice and sought resignation w.e.f. 22nd October, 2018. The Jt. General Manager, vide e-mail dated 25th August, 2018, directed to deposit the entire bond amount executed by the petitioner.

4. Learned counsel for the respondents submits that the bond period is still not completed by the petitioner, therefore, he is not entitled for any relief.

5. A similar issue came up for consideration before this court in ***W.P.(C) 6340/2018*** titled ***Shyam Narayan Tripathi v. Dedicated Freight Corridor Corporation of India Limited & Anr.*** and the same was disposed of vide order dated 1st June, 2018 by directing that if the petitioner therein file an application for discharge of the service bond, on pro-rata basis, then the petitioner's resignation shall be accepted within a week of submission of the discharge service bond so as to enable the petitioner to join the new employer.

6. Since, issue in the present petition is same as was dealt in ***W.P.(C) 6340/2018*** (C) mentioned above, therefore, if the petitioner

file an application for discharge of the service bond, on pro-rata basis, then the petitioner's resignation shall be accepted within a period of three days from the receipt of this order so as to enable the petitioner to join the new employer i.e. Chhatisgarh Railway Corporation Limited.

7. In view of above, the petition is disposed of.

8. A copy of the order be given *dasti* under the signatures of the Court Master.

SURESH KUMAR KAIT, J

OCTOBER 12, 2018

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