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

+ **W.P.(C) 11302/2018**

GAURAV RANDHAVA Petitioner

Through: Mr. Raj Singh Phogat, Advocate.

versus

UNION OF INDIA & ORS Respondents

Through: Mr. Mahender Kr. Bhardwaj,
Advocate for R-1 to R-4.

CORAM:

JUSTICE S. MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

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13.11.2018

1. The prayer in this petition is for quashing a letter dated 24th May 2016 and a subsequent letter dated 5th June 2018 rejecting the Petitioner's request for withdrawal of his resignation and also for directions permitting him to rejoin the service.

2. The Petitioner was appointed as Assistant Commandant in the Central Reserve Police Force ('CRPF') and joined on 27th January 2009. According to the Petitioner, he was suffering from anxiety, insomnia, and depression in the month of February 2016. On 5th March 2016, he submitted a resignation as Assistant Commandant prospectively from 30th April 2016. By a letter dated 22nd April 2016, the Competent Authority accepted his resignation.

3. Shortly before the date on which the resignation was to take effect, i.e. on

26th April 2016, the Petitioner submitted an application that the date of his relieving may be postponed to 1st August 2016. This application was apparently forwarded by the Commandant-5 Sig. Bn. to the Competent Authority. Even before a decision could be taken on the above request, on 24th May 2016, the Petitioner submitted an application seeking withdrawal of his resignation. On that very date, he was struck off the strength of the force because, by then, the earlier letter of the Competent Authority had already come into effect.

4. There appears to be a flip-flop on the part of the Petitioner. On 8th October 2016, the Petitioner wrote to the Competent Authority stating that he was withdrawing the application dated 11th August 2016 seeking the withdrawal of his resignation. The said letter concludes by stating, in bold and capital letters, that the Petitioner did not want to be reinstated in the CRPF due to the reasons mentioned therein.

5. This has been adverted to by the Competent Authority in its reply dated 14th September 2018 to the legal notice issued by the Petitioner's counsel. It was noted in para 3 of this letter that acting on his application dated 8th October 2016, the MHA was requested not to take further action and to treat the matter as closed. Nearly three months after the closure of the case, the Petitioner again made an application on 20th December 2016 requesting for the re-entry into service. Since this request was made beyond three months from the closure of the case, it was not acceded to.

6. The Competent Authority has also noted in the same order that the Petitioner was medically categorized as psychologically fit since 2011

onwards and, therefore, his contention about suffering from anxiety, insomnia, hallucination, and depression in the month of February 2016 was not accepted.

7. On the previous date, the Court had issued notice on the limited question of whether the Respondents would be willing to accept the Petitioner's request for re-entry into service. Today, on instructions, learned counsel for the Respondents states that the Respondents are not willing to accept the Petitioner's request.

8. The Court does not find any reason to interfere with the impugned order of the Respondents. It gives valid and cogent reasons for rejecting the Petitioner's request for re-entry into service.

9. The petition is dismissed.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

NOVEMBER 13, 2018

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