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

+ W.P.(C) 364/2018

VIKAS KUMAR SINGH

..... Petitioner

Through: Ms. Sonia Mathur, Sr. Adv. with Ms.
Charu Mathur, Ms. Noor Rampal and
Ms. Divya Nair, Advs.

versus

UNION OF INDIA AND ANR.

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

13.12.2018

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The petitioner assails the order dated 07.09.2017 passed by the Central Administrative Tribunal, Principal Bench, New Delhi (the Tribunal) in O.A. No. 2430/2017. The Tribunal has rejected the said Original Application preferred by the petitioner. The petitioner was selected in the Civil Services Examination, 2014 and was allocated to the Indian Revenue Service (Customs and Central Excise). He was given an offer of appointment on 17.12.2015. In terms of the said communication, he communicated his acceptance within time. The petitioner, however, failed to join the training programme in terms of the office order dated 28.12.2015 which stated that Officer trainees of the 67th Batch – to which the petitioner belonged, were required to attend the Orientation Module from 28.12.2015 which was to go on till 08.01.2016. This office order also recorded that

some IRS (C & CE) Probationers of the 67th Batch are seeking late joining on various grounds including technical resignation. They would either miss the Orientation Module or will attend it partially. Since the Orientation Module was considered as a very important part of the professional training of the probationers and all probationers were required to attend it successfully without missing even a single session, the Government was of the view that late joining of the Probationers would lead to disruption of the Orientation Module. It was also stated in this Office Order as follows:

“Therefore, the Probationers of 67th Batch who have failed to report to academy today i.e. 28.12.2015 and have sought late joining are directed to join the Academy on conclusion of Orientation Module only i.e. on 11.01.2016. Those who do not join on 11.01.2016 will be asked to go on EOL and would train with the next batch.”

It is not the petitioner's case that he responded to this communication by either seeking late joining or informing the reason for not joining the said Orientation Module. The petitioner claims that he suffered from hepatitis and received treatment at the relevant time. However, no intimation in this regard was sent by him to any of the concerned authorities contemporaneously. It is only subsequently, when the petitioner sought to report in April, 2016 that he expressed his inability to report earlier on account of his illness.

It is noticed from the letter dated 28.12.2015 that the probationers of 67th batch, who failed to report to the academy by 28.12.2015 and sought late joining, were directed to join the academy on conclusion of Orientation Module only i.e. on 11.01.2016. The petitioner did not join or report even on 11.01.2016. Nor he sent any intimation about the reason for his absence.

Since the petitioner remained incommunicado, there was no further obligation on the respondents to ask him to go on Extra Ordinary Leave, or to allow him to join the training with the 68th Batch

In our view, the Tribunal has rightly rejected the petitioner's Original Application. The appointment in question relates to "Group A" service of the Central Government. The successful candidates are clearly informed about the schedule which they must strictly adhere to. The petitioner did not adhere to the said schedule. If candidates, such as the petitioner, are permitted to report for joining/ training on their own sweet will, the entire process of selection, training and deployment of officers would go hay wire, and seriously impinge the working of the administration. We are, therefore, not inclined to interfere with the impugned order.

Dismissed.

VIPIN SANGHI, J

A. K. CHAWLA, J

DECEMBER 13, 2018

N.Khanna