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

+ **W.P.(C) 4261/2019**

RAJINDER KUMAR

..... Petitioner

Through Mr. Amresh Kumar & Mr. J.M. Pathak,
Advocates

versus

CENTRAL INDUSTRIAL SECURITY FORCE AND ORS.

..... Respondent

Through Ms. Prema Priyadarshini &
Ms. Vinita Bakshi with Inspector Sanjay Kumar,
CISF for Respondent No.1

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE I.S.MEHTA

ORDER

% **24.04.2019**

CM Appl.No. 19043/2019 (Exemption)

1. The application is allowed subject to all just exceptions.

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2. The Petitioner who has joined the CISF as Assistant Sub-Inspector (Executive) (ASI) (Exe) after retiring from the Army in September, 2011, is seeking a direction to the Respondents to treat his resignation from the CISF with effect from 10th March, 2017 as a technical resignation instead of the domestic resignation.

3. According to the Petitioner, he had informed the CISF on 5th September, 2011 that he had applied for the post of teacher and electronics instructor in the ITI in the State of Himachal Pradesh of the Ex-service man cell and

requested for grant of resignation if he was selected for the said post. According to the Petitioner, it was only on 25th November, 2016 that he received intimation for being appointed to the post of Supervisor in the Department of Social, Justice and Empowerment, Government of Himachal Pradesh.

4. According to the Petitioner on 1st February, 2017 he requested the CISF to trace out his earlier letter dated 5th September, 2011 but the said letter could not be traced by the CISF. By a letter dated 4th March, 2017 he requested for technical resignation from the CISF with effect from 10th March, 2017. In the circumstances, according to the Petitioner, on 8th March, 2017 he was compelled to change his request to resignation on domestic grounds and this request was noted in the file. His resignation on domestic ground was accepted with effect from 11th March, 2017, subject to the condition that the Petitioner would deposit Rs. 1,39,271/- towards three months salary and allowances. Thereafter, the Petitioner joined the post of Circle Supervisor under Directorate Chief & Women Care, Himachal Pradesh on 14th March, 2017.

5. After the letters thereafter written by the Petitioner to the CISF to consider his resignation as being on technical grounds was rejected he has filed the present petition.

6. Counsel for the Petitioner kept harping on the letter dated 5th September, 2011 purportedly written by him to the CISF informing the CISF that he had applied for the post of Supervisor in the Government of Himachal Pradesh.

However, it even the records produced by the Petitioner along with this petition reveal that the consistent stand of the Respondents has been that they are unable to trace any such letter. Counsel for the Petitioner then referred to a letter dated 8th March, 2017 written by the CISF in relation to the Petitioner's request. That only acknowledges receipt of a letter dated 6th March, 2017 from the Petitioner requesting for a copy of the NOC for outside employment. It does not, by any means, acknowledge that the letter dated 5th September, 2011 had in fact been received by the CISF.

7. In the circumstances, it is not possible for this Court to issue any directions to the Respondents to treat the resignation of the Petitioner as one on technical grounds.

8. The petition is accordingly dismissed.

S. MURALIDHAR, J.

I.S. MEHTA, J.

APRIL 24, 2019

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