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

\+	**W.P.(C) 13144/2018**

PARMOD KUMAR TYAGI ..... Petitioner

Through: Mr P. Sureshan, Advocate.

versus

DIRECTOR GENERAL CISF & ORS. ..... Respondents

Through: Ms Archana Gaur, Senior Panel Counsel for Respondents.

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE I.S.MEHTA

<u>O R D E R</u>

% **23.04.2019**

1.The Petitioner's request for Voluntary Retirement Scheme ('VRS') has been turned down by the Respondents only on the ground of the Petitioner owes dues to the Union Bank of India Bank, Kavi Nagar, Ghaziabad from where he had borrowed a housing loan.

2. The Petitioner, when he sought voluntary retirement was working as Head Constable/General Duty ('HC/GD') with the Central Industrial Security Force ('CISF'). He had already completed 32 years of service on 28th May, 2018. He applied for the VRS in the prescribed format. By an order dated 14th August, 2018, his request was initially accepted and he was to be relieved from service on 1st September, 2018. However, by a letter dated 27th August, 2018, the Petitioner's requested was turned down on the ground that a sum of Rs.40,74,278.37 was owed by the Petitioner to the Union Bank of

India towards housing loan. Consequently, the acceptance of the VRS with effect from 1st September, 2018 was withdrawn.

3. In response to the present petition, a counter affidavit has been filed by the Respondents reiterating that the permission for VRS stood withdrawn only because of the aforementioned reason.

4. Learned counsel for the Petitioner has pointed out that under Rule 48-A of the CCS Pension Rules, the fact that a government servant may owe some amount to the bank is not indicated to be a disqualification for the purposes of VRS. Rule 48-A reads as under:

> "48-A. Retirement on completion of 20 years' qualifying service
> (1) At any time after a Govemment servant has completed twenty years' qualifying service, he may, by giving notice of not less than three months in writing to
> the appointing authority, retire from service.
>
> Provided that this sub-rule shall not apply to a Government servant, including scientist or technical expert who is -
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> (i) on assignments under the Indian Technical and Economic Cooperation (ITEC) Programme of the Ministry of External Affairs and other aid programmes, posted abroad in foreign based offices of the Ministries/Departments on a specific contract assignment to a foreign Government,
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> unless, after having been transferred to India, he has resumed the charge of the post in India and served for a period of not less than one year.
>
> (2) The notice of voluntary retirement given under sub-rule (1) shall require acceptance by the appointing authority:

> Provided that where the appointing authority does not refuse to grant the permission for retirement before the expiry of the period specified in the said notice the retirement shall become effective from the date of expiry of the said period."

5. The Petitioner has also referred to the guidelines for acceptance of the request of VRS which indicates that VRS is usually declined where:

(i) Disciplinary proceedings are pending or contemplated against the government servant concerned for the imposition of the major penalty and the disciplinary authority, having regard to the circumstances of the case, is of the view that imposition of the penalty of removal or dismissal from service would be warranted in the case; or

(ii) In which prosecution is contemplated or may have been launched in a Court of law against the government servant concerned.

6. Barring the above two instances, a VRS request has to normally be accepted by the government.

7. Learned counsel for the Respondents has been unable to point out any specific rule which stipulates that the outstanding loan of a government servant would come in the way of his request for VRS being accepted. Even in the counter affidavit, while it is stated that the Petitioner has not submitted a 'no due certificate', no rule as such is cited for insisting on submission of such a certificate for the purposes of accepting the request for VRS.

8. In the absence of any specific rule in that regard, it is not open to the Respondents to reject the Petitioner's request for VRS, except on the limited

ground, as specified in terms of Rule 48-A of the CCS (Pension) Rules.

9. The Petitioner points out in his rejoinder that he and his sons had already mortgaged the house property for obtaining the above loan and that the value of the house property is much more than the dues owing to the bank. As regards the letter received from the bank about the outstanding dues, learned counsel for the Petitioner states that the Petitioner and his sons are in settlement talks with the bank for settlement of the dues.

10. In any event, there is no rule that warrants the rejection of the Petitioner's request for VRS on the ground that the loan borrowed by the Petitioner from the Union Bank of India is outstanding. This Court, therefore, sets aside the impugned order dated 27th August, 2018 passed by the Respondents cancelling the acceptance of the Petitioner's request for VRS. The Respondents are directed to now issue necessary orders accepting the Petitioner's request for VRS with effect from 1st May, 2019.

11. The petition is allowed in the above terms. No costs.

S. MURALIDHAR, J.

I.S. MEHTA, J.

APRIL 23, 2019
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