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

+ **W.P.(C) 14130/2021**

EX HC/GD K JAYAVELU FORCE NO. 986336577 Petitioner

Through Mr.D.S.Kauntae, Advocate.

versus

UNION OF INDIA & ORS.

..... Respondents

**Through Mr.Abhishek Khanna with
Mr.Jaswinder Singh, Advocates.
Sh. Hemendra Singh, Law Officer,
BSF in person.**

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Date of Decision: 13th December, 2021

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MR. JUSTICE NAVING CHAWLA

J U D G M E N T

MANMOHAN, J (Oral):

1. Present writ petition has been filed challenging the order dated 17th May/17th June, 2019 and subsequent orders dated 31st October, 2019 and 13th April, 2020 passed by the respondents. Petitioner also seeks a direction to the respondent to reinstate the petitioner in service with all consequential benefits.

2. Learned Counsel for the Petitioner states that the Petitioner, a Constable/General Duty with Border Security Force, made a request for voluntary discharge from service on 13th December, 2018 since he had to manage a family dispute. He states that the dispute was resolved and the Petitioner gave revocation/cancellation notice upon returning from leave on

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12th May, 2019 and permanently joined his duties in the General Area of Raja Nagar BOP in West Bengal State. He states that Respondents refused to allow the Petitioner to withdraw his discharge request and the Petitioner retired from the Force on 31st October, 2019.

3. Learned Counsel for the Petitioner states that the Respondents erred in not allowing revocation of discharge since the Petitioner had given the revocation notice before his date of retirement. He states that the Respondent No. 4, Commandant 117 BN BSF was under a legal obligation to accept his revocation request since it was made before final acceptance of the request of voluntary discharge.

4. Learned Counsel for the Petitioner states that the Petitioner was well within his rights to seek revocation in accordance with sub clause (a) and (b) of Chapter VII, CCS Pension Rules, 1972, since no notice in terms of Proviso (b) was ever given by the Commandant.

5. Learned Counsel for the Petitioner states that the Petitioner has also filed a petition dated 10th November, 2020 under Rule 28A of the BSF Rules which is pending before the Director General, BSF and is yet to be decided.

6. Issue notice. Mr. Abhishek Khanna, Advocate accepts notice on behalf of the Respondents. He prays for some time to obtain instructions.

7. However, keeping in view the facts stated by learned counsel for the Petitioner, this Court disposes of the present writ petition with a direction to the Director General, BSF to decide the Petitioner's petition dated 10th November, 2020, if not already disposed of, by way of a reasoned order within four weeks, in accordance with law. In the event, Petitioner's petition dated 10th November, 2020 filed under Rule 28A of the BSF Rules

has already been disposed of, the order shall be communicated to the Petitioner along with the proof of service within the stipulated period.

8. In case, the Petitioner is aggrieved by the decision of the Director General, BSF, he shall be at liberty to file appropriate proceedings in accordance law.

MANMOHAN, J

NAVIN CHAWLA, J

**DECEMBER 13, 2021
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