

\$~33

* IN THE HIGH COURT OF DELHI AT NEW DELHI

%

Date of decision: 18th May, 2023

+ W.P.(C) 6631/2023

RAJKUMAR BUKYA

..... Petitioner

Through: Mr. R.N. Amarnath, Mr. Maheshnath, Dr. Ram Sankar, Ms. K. Vijayanthi & Mr. Nagender, Advocates.

versus

DIRECTOR GENERAL COAST GUARD HEADQUARTERS AND
ORS.

..... Respondents

Through: Mr. Ankur Yadav, Sr. Panel Counsel & Mr. Deepak Tanwar, Govt. Pleader for UOI.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

CM APPL. 26028/2023 (Exemption)

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

W.P.(C) 6631/2023

3. *Vide* the present petition, the petitioner is seeking following reliefs:

“a.) To direct the respondent no. 1 to consider the request of

W.P.(C) 6631/2023

Page 1 of 3

resignation submitted by the petitioner on 15.01.2021, 07.12.2021, 31.07.2022 and 30.11.2022 and recommended by the commanding officers on 17.05.2021, 26.10.2022, 07.12.2021, 19.01.2022 and 26.09.2022;

b.) To direct the 1st Respondent to pass orders on the application for resignation submitted by the petitioner to the 4th Respondent on 31.07.2022 and 30.11.2022.”

4. *Vide* Letter dated 07.12.2021, the petitioner tendered his request for resignation on compassionate ground to the respondent No. 4/The Commanding Officer, ICGS Varad, and the same was forwarded to the Commander, Headquarters No. 7, Coast Guard, District Odisha by the respondent No. 4/The Commanding Officer, ICGS Varad. *Vide* Communication dated 15.07.2022, it was conveyed to the petitioner by the Deputy Commandant, Staff Officer (Admin) for Officer-in-Charge that the competent authority has not approved his case for discharge from service.

5. However, on perusal of the Communication dated 15.07.2022, it is crystal clear that no reasons whatsoever were given to the petitioner for not approving his case for discharge from service.

6. Thereafter, the petitioner made the Representation dated 30.11.2022 to the respondent No. 4/The Commanding Officer, ICGS Varad reiterating his request for discharge from service. However, till date, the said Representation dated 30.11.2022 of the petitioner has not yet been decided.

7. Accordingly, we hereby dispose of the present petition directing the respondents to decide the Representation dated 30.11.2022 of the petitioner with a reasoned order within four weeks.

8. The decision, so taken, shall be communicated to the petitioner within one week thereafter.
9. Needless to state that if the petitioner is still aggrieved by the decision of the respondents, he may challenge the same before the appropriate forum.
10. Accordingly, the present petition is disposed of.

(SURESH KUMAR KAIT)
JUDGE

(NEENA BANSAL KRISHNA)
JUDGE

MAY 18, 2023
S.Sharma

