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

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Date of decision: 23.05.2023

+ W.P.(C) 16863/2022

ROT PRAKASH KUMAR

..... Petitioner

Through: Mr.Yatish Mohan Verma, Advocate.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr.Anshuman Singh, SPC with
Mr.Rahul Kumar Sharma, Advs.
Sh.Hemendra Singh, Deputy
Commandant (Law) BSF.

CORAM:

**HON'BLE MR. JUSTICE SURESH KUMAR KAIT
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA**

JUDGMENT (oral)

1. Present petition has been filed seeking directions to the respondents to allow the petitioner to withdraw his resignation and allow him to join the duties.
2. The case of the petitioner is that in the year 2020, while he was on leave, he was diagnosed with some serious psychological ailments because of which he could not join his duty; rather he sent a resignation letter on 10.12.2020 under the influence of psychological problem. On 23.12.2020, the Deputy Commandant/Adjutant 161 Battalion Ramgarh informed the

petitioner that unless or until he attended the office at the headquarter of his Battalion, no action can be taken on his abovementioned application. In February, 2021, he was dismissed from service and subsequently on gaining normalcy, his request to withdraw the same was rejected by the Competent Authority as well as by the Appellate Authority, however, it is permissible under BSF Rules.

3. Learned counsel appearing on behalf of the respondents submits that pursuant to order dated 09.12.2022 of this Court, the respondents produced two resignation letters dated 10.12.2020 and 10.02.2021 submitted by the petitioner.

4. It is not in dispute that petitioner was on sanctioned leave from 11.11.2020 to 10.12.2020 and thereafter no extension of leave was sought by the petitioner. Respondents received resignation letter dated 10.12.2020 and in response thereto, respondents sent a communication dated 23.12.2020 that since he is on leave, his resignation cannot be accepted and his appearance is required. Thereafter, the petitioner submitted another resignation letter dated 10.02.2021 to discharge him from the BSF w.e.f. 10.02.2021. Accordingly, the respondents accepted his resignation and discharged the petitioner from the service w.e.f. 10.02.2021 itself.

5. The petitioner sought withdrawal of his resignation vide letter dated 29.07.2021 which is 7 months later. The resignation once accepted, cannot be permitted to be withdrawn through a subsequent letter made after 7 months.

6. In view of above, we find no ground to interfere with the order passed by the respondents.

7. Petition is, accordingly, dismissed.

(SURESH KUMAR KAIT)
JUDGE

(NEENA BANSAL KRISHNA)
JUDGE

MAY 23, 2023/ab

