

21.11.2024

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**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 19284 of 2024

Haider Laskar

-Vs-

Union of India & Ors.

Mr. Dibendu Chatterjee,
Mr. Razzak Hossain,
Mr. Rahul Deb Goyenka,
Ms. Satabdi Das

.... for the petitioner

Mr. Shyamal Kumar Mukherjee,
Ms. Amrita Pandey

... for the respondents

The petitioner on being selected through a selection process joined as a 'Constable (GD)' in the Border Security Force (in short, BSF) on 27th October, 2022. The petitioner says that on 5th December, 2023, the petitioner requested for leave by making an application to the concerned authority on the ground that he was to attend his mother for her medical treatment. The petitioner says that leave was not granted but under compelling circumstances, the petitioner had to attend his mother for her medical treatment and as such, tendered his resignation on 22nd December, 2023. It is the admitted position that the resignation of the petitioner was duly accepted and the dues payable to the petitioner on account of his resignation was duly paid. The order accepting the

petitioner's resignation and the direction to pay Rs. 95,046/- towards three months' salary is annexed at page 19 of the writ petition as 'Annexure P-3' thereto. The BSF has also through its competent officer issued the clearance certificate to the petitioner. The petitioner has accepted the money, which was directed to be paid to the petitioner as also the clearance certificate.

The petitioner subsequently made an application for re-joining services of BSF. The petitioner says that the prayer for re-joining has not yet been considered or disposed of.

The law in this issue is well settled. Once the resignation is accepted and acted upon, the employer and employee relationship between the BSF and the petitioner ceased. There is as such no provision of re-joining the service. In this regard, judgment of the Hon'ble Supreme Court reported in 2024 SCC Online SC 647 (Shriram Manohar Bande vs. Uktranti Mandal and Others) and that of a Division Bench judgment of this Court reported in 2024 SCC Online Cal 7573 (Eastern Coalfields Limited vs. Sumi Kamin and Others) may be relied upon.

In the aforesaid facts and circumstances, I do not find any reason to direct the petitioner's application for re-joining and/or representation in that respect to be considered by the respondent authorities. The writ petition, therefore, fails and is accordingly dismissed.

Since I have not called for any affidavits, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

(Arindam Mukherjee, J.)