



2024:DHC:9964-DB



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

Date of decision: 23.12.2024

+ W.P.(C) 4398/2020
RENU KUMARI PANGHAL

.....Petitioner

Through: Dr.S.S. Hooda &
Mr.Aayushman Aeron, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Ms.Amrita Prakash, CGSC with
Mr.Vishal Ashwani Mehta,
Ms.Anju Kaushik, Advs. along
with Mr.Prahalad Devendra &
Mr.Amit Kumar, SI/CISF.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J. (Oral)

1. This petition has been filed by the petitioner challenging the Orders dated 24.08.2019, 20.09.2019, 05.10.2019, 19.10.2019, 29.10.2019, 16.11.2019, 08.02.2020, and 16.03.2020 passed by the respondents whereby the provisional offer of appointment issued to the petitioner was cancelled.
2. The petitioner also challenges the Department of Personnel & Training (DoPT) O.M. No. 9/23/71-ESTT.(D) dated 06.06.1978 and O.M. No. 35015/2/93-ESTT.(D) dated 09.08.1995 as being violative of Article 14 of the Constitution of India.



3. As a brief background, it is the case of the petitioner that the petitioner appeared in the SSC 2017 examination and successfully passed the same. She was thereafter directed to join the CISF for undergoing the basic training, which was scheduled to commence on 18.03.2019 at the Recruit Training Center, Arakkonam, District Vellore, Tamil Nadu.
4. The petitioner, *vide* a letter and an e-mail dated 02.03.2019, requested the Principal, CISF RTC Arakkonam, for extension of time to join the basic training, stating therein that she had been blessed with a child on 13.02.2019 and had undergone a Complete Perineal Surgery and had been advised complete bed rest for a period of six months and was not to undertake any heavy lifting or physical hard work for a period of eight months.
5. The respondents, *vide* letter dated 16.04.2019, however, called upon the petitioner to join the basic training by 10.05.2019.
6. The petitioner again sought an extension of time to join the basic training, and submitted an application for the same, which was acceded to by the respondents *vide* letter dated 04.06.2019, by extending the time for the petitioner to join the basic training till 11.08.2019.
7. The petitioner again claimed that she had still not fully recovered and had been advised bed rest by the doctor, therefore, she made another request for an extension of time *vide* letter dated 30.07.2019. This request, however, was rejected by the Principal, CISF RTC Arakkonam, by the Impugned Order dated 24.08.2019, stating that the offer of appointment dated 14.02.2019 has lapsed in



terms of paragraph 3 of the said offer of appointment, which reads as under:-

*“3. If, you accept the above mentioned terms and conditions, you may report to the **Principal, CISF RTC Arakkonam, Post: Suraksha Campus, Distt: Vellore, Tamil Nadu on 16.03.2019 repeat 16.03.2019 for joining the post of ASI/Exe in CISF and undergoing basic training scheduled to commence on 18.03.2019.** In case, you fail to report to the training centre on the stipulated date, it will be presumed that you are not interested to accept this offer and the candidature will automatically stand cancelled.”*

8. Aggrieved of the above, the petitioner made further representations, however, the respondents, *vide* letters dated 20.09.2019, 05.10.2019, 19.10.2019, 29.10.2019, 16.11.2019, 08.02.2020, and 16.03.2020, again rejected the representations of the petitioner, stating that her appointment stands duly cancelled as she did not join the training within the prescribed period.

9. The learned counsel for the petitioner, placing reliance on the counter affidavit filed by respondent nos. 5 and 6, submitted that the said respondents have stated that in terms of the DoPT's O.M. dated 09.08.1995, the offer of appointment should not be extended liberally beyond three months from the date of the original offer of appointment, and such extension may be granted only as an exception where the facts and circumstances so warrant, and in any case, only up to a period of six months, after which the offer of appointment would lapse automatically. The said respondents have further stated that, in



terms of Clause (iv) of the DoPT's O.M. dated 06.06.1978, an offer of appointment which has lapsed should not be ordinarily revived later, except in exceptional circumstances and on the ground of public interest, and that the same can be revived only after due consultation with the Commission. The learned counsel for the petitioner, therefore, submitted that the rejection of the representation of the petitioner only on the ground that as she could not join the training within the prescribed period, her appointment stood cancelled, cannot be accepted. He submitted that the respondent-CISF, keeping in mind the exceptional circumstances with which the petitioner was faced, that is, of her having delivered a child and being advised bed rest, should have exercised its discretion in favour of the petitioner and should have granted her an extension of time to join the training.

10. The learned counsel for the petitioner submits that the petitioner was not even called upon to submit any medical document in support of her application seeking an extension of time, and her application was summarily rejected only on the ground that no extension can be granted. He submitted that had the petitioner been informed that the extension could be granted on exceptional circumstances being shown, the petitioner could have produced the relevant medical records in support of her application for justifying her claim to the exception. He submits that the petitioner cannot be prejudiced by the respondents not following their own Office Memorandums and instructions.

11. On the other hand, the learned counsel for the respondents submits that though there is a power for extension of time for a candidate to join the basic training, the extension can be granted only



in exceptional circumstances and in public interest. In the present case, the request of the petitioner for an extension of time to join the basic training was acceded to by the competent authority, and the time for joining training was extended till 11.08.2019, that is, for a period of almost six months. The petitioner, however, failed to join the training in spite of such an extension and thereafter sought further extension of time. The same was rightly refused by the competent authority as no such exceptional circumstance was made out by the petitioner.

12. We have considered the submissions made by the learned counsels for the parties.

13. The respondent nos. 5 and 6, in their counter affidavit, have explained the scheme of appointment and relaxation in joining the basic training, in the following words:

"5. That in this context, it is respectfully submitted that as per DoP&T's Office Memorandum No.35015/2/93-Estt(D) dated 9.8.95, the offer of appointment should not be extended liberally beyond three months from the date of original offer of appointment and it may be granted only as an exception where facts and circumstances so warrant and in any case only upto a maximum period of six months after which an offer of appointment would lapse automatically after the expiry of six months from the date of issue of original offer of appointment. However, in terms of Clause (iv) of DoP&T's Office Memorandum No.9/23/71-Estt(D) dated 06.06.1978, "an offer appointment which has lapsed, should not ordinarily be revived later, except in exceptional circumstances and on grounds of public interest. The Commission should in all cases be consisted before such offers are



revived".

14. From the above, it would be apparent that the extension of time to join the basic training is not a matter of right of the petitioner. It can be granted only in exceptional circumstances and on the grounds of public interest.

15. In the present case, the petitioner admits that she had delivered a child on 13.02.2019. Her application seeking an extension of time for joining the basic training was duly acceded to by the Principal, CISF RTC Arakkonam, and an extension was granted till 11.08.2019, that is, for a period of six months thereafter. The petitioner thereafter made general representations to the Principal, CISF RTC Arakkonam, seeking a further extension of time to join the basic training. The Principal, CISF RTC Arakkonam, rightly refused to grant extension, stating that the time for joining the training was sacrosanct and could not be extended any further. Even before us, the petitioner has not placed any medical documents to show any exceptional circumstance for which the petitioner could not have joined the training even with the extension granted to her. This Court, by its Order dated 18.11.2024, had even granted further time to the petitioner to place documents on record which could satisfy or make out a case for the exception to be invoked in favour of the petitioner. The learned counsel for the petitioner submits that due to the long passage of time, today, the petitioner is not in possession of any medical documents which could show that she was not in a position to join the training during that relevant period.



2024:DHC:9964-DB



16. We are afraid that in such circumstances, we cannot grant any relief to the petitioner. As noted hereinabove, it is only in exceptional circumstances and that too in public interest that an exception can be made in favour of a candidate by extending the time for joining the basic training. No such case has been made out by the petitioner in the present case.

17. Accordingly, we do not find any merit in the present case. The same is dismissed.

NAVIN CHAWLA, J

SHALINDER KAUR, J

DECEMBER 23, 2024/rv/SJ

Click here to check corrigendum, if any