



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

%

Date of decision: February 13, 2024

+ W.P.(C) 10112/2023, CM APPL. 39042/2023

(48) DEVENDRA SINGH RANA

..... Petitioner

Through: Mr. Abhay Kumar Bhargava, Adv.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Siddharth Khatana, Sr. PC
for UOI

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE SAURABH BANERJEE

V. KAMESWAR RAO, J. (ORAL)

1. The present petition has been filed by the petitioner with the following prayers:

“In the light of foregoing premises, it is being prayed that this Hon'ble Court may graciously be pleased to:

(i) Issue a writ of certiorari or any other writ order or direction thereby quashing the order dated 15.05.2023 passed by the Inspector General, Composite Hospital CRPF, New Delhi.

(ii) Issue a writ of certiorari or any other or direction thereby quashing the order dated 27.07.2023 passed by the Inspector General, Composite Hospital CRPF, New Delhi.

iii) Pass any other order, this court deems fit, in the interest of Justice.”

2. The submission of Mr. Abhay Kumar Bhargava, learned counsel appearing for the petitioner is that though the petitioner had



made a request seeking voluntary retirement from service vide letter dated May 1, 2023, which was accepted on May 15, 2023 w.e.f. July 31, 2023, but the petitioner having withdrawn his request for voluntary retirement on July 14, 2023, the order dated May 15, 2023 could not have been acted upon.

3. In support of his submission, he has relied upon the judgments in the case of *J.N. Srivastava v. Union of India (UOI) and Anr., 1999 (9) SCC 559*, *Union of India v. Shri Gopal Chandra Misra and Ors., 1978 (2) SCC 301* and *Poonam Garg v. IFCI Venture Capital Funds Ltd. through its Managing Director & Ors., W.P.(C) 9304/2019*, decided on September 27, 2019.

4. We are not in agreement with the submission made by Mr. Bhargava for the reason that, Rule 43(d)(iv) of the CRPF Rules, 1955 and Rule 43(6) of the Central Civil Services (Pension) Rules, 2021, which reads as under, clearly contemplate that, even if the request for voluntary retirement is withdrawn, the same shall be effective with the approval of the Appointing Authority:

Rule 43(d)(iv) of the CRPF Rules, 1955

“(iv) a notice of voluntary retirement may be withdrawn with the approval of the appointing authority, provided the request for such withdrawal is made before the expiry of the period of notice.”

Rule 43(6) of the Central Civil Services (Pension) Rules, 1972

“(6) Government servant, who has elected to retire under this rule and has given the necessary notice to that effect to the appointing authority, shall be precluded from withdrawing his notice except with the specific approval of such authority:



Provided that the request for withdrawal shall be made not less than fifteen days before the intended date of voluntary retirement.”

5. In the present case, till July 31, 2023, the effective date of voluntary retirement, the Appointing Authority has not allowed the petitioner to withdraw the request for voluntary retirement. Rather, a specific order has been passed on July 27, 2023, wherein the request of the petitioner for withdrawal of the voluntary retirement is rejected.

6. Mr. Bhargava states, the request is rejected without any reason.

7. Though the submission looks appealing on a first blush but on a deeper consideration, it is noted, that no such obligation is cast upon the Authority to give reasons. Even otherwise, we note that the request for withdrawal made by the petitioner on July 14, 2023, has not been placed on record. It is not known, for what reason the petitioner wanted to withdraw the request for voluntary retirement. Had he placed the same on record, we could have ascertained as to whether the ground on which the petitioner intended to withdraw the request for voluntary retirement has been considered / dealt with by the Appointing Authority.

8. We find no merit in the petition; the writ petition and connected application are dismissed.

V. KAMESWAR RAO, J

SAURABH BANERJEE, J

FEBRUARY 13, 2024/aky