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

+ **W.P.(C) 11993/2023**

DEVENDER SINGH

..... Petitioner

Through: **Mr. Bhanu Gupta, Advocate**

versus

UNION OF INDIA & ORS.

..... Respondents

Through: **Mr. Pradeep Kumar Jha, SPC with
Mr. R. N. Prikh Pairvi, Officer/Law
CRPF**

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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26.02.2024

1. This petition has been filed by the petitioner with the following prayers:-

(i) Issue of a writ, order or direction, in nature of certiorari quashing the order of 20.12.2016 to the extent of rejecting the representation of the Petitioner seeking correct increment w.e.f 12.03.2015 which is the date of withdrawing of resignation of Petitioner and not from the date of rejoining; And

(ii) Issue of a Writ, order or direction, in nature of Mandamus directing the Respondents to provide the Petitioner with annual increment for the year 2015 and 2016 and further directing the Respondents to pay the amount of Rs 60,000/- deposited by the Petitioner in lieu of the salary of three months ought to have been refunded post his joining, since his resignation stands null and void; Or

(iii) Issue a writ, order or direction, which this Hon'ble Court may deem fit and proper under the circumstances of the case.



2. The case of the petitioner so contended by Mr. Bhanu Gupta, his counsel, is that the petitioner is only seeking refund of the amount of Rs. 60,000/- which was recovered from the petitioner when he had tendered his resignation.
3. The submission of Mr. Gupta is that in the earlier round of litigation in W.P.(C)1921/2016, the petitioner's resignation was directed to be withdrawn and the petitioner to be reinstated and hence the petitioner is entitled to the refund of Rs. 60,000/-.
4. We are not in agreement with the submission made by Mr. Gupta for the simple reason that the petitioner had not sought this direction at the time of decision in the earlier writ petition.
5. Having not done that and accepted his appointment by foregoing his right, if any, in law, its too late in the day for the petitioner to make a prayer for the refund of Rs. 60,000/-.
6. We are of the view that the petition is required to be dismissed.
7. It is ordered accordingly. No costs.

V. KAMESWAR RAO, J

SAURABH BANERJEE, J

FEBRUARY 26, 2024/rr..