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

+ **W.P.(C) 11818/2024**

MATTHEW JOHNSON DARA

.....Petitioner

Through: Mr. Anupam Lal Das, Senior
Advocate with Mr. Punit D. Tyagi and Mr.
Abhishek Mehra, Advocates.

versus

HINDUSTAN URVARAK AND RASAYAN LTD.....Respondent

Through: Mr. Praveen Kumar Singh, Mr. Sujit
Kumar Singh and Mr. Md. Ziauddin Ahmad,
Advocates

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

16.10.2024

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CM APPL.60847/2024

1. This application has been preferred on behalf of the Respondent seeking early hearing of the writ petition which is listed on 04.11.2024 on the ground that on account of an interim order passed by this Court, vacancy in a post of Vice President (Finance) is lying unfilled.
2. Issue notice.
3. Mr. Punit D. Tyagi, learned counsel appearing on behalf of the Petitioner accepts notice.
4. For the reasons stated in the application, the same is allowed and disposed of and with the consent of the parties, writ petition is taken up for final hearing.
5. Date of 04.11.2024 stands cancelled.



W.P.(C) 11818/2024 and C.M. APPL. 49156/2024

6. This writ petition is preferred by the Petitioner under Articles 226/227 of the Constitution of India assailing order dated 19.08.2024 whereby joining of the Petitioner to the post of Vice President (Finance) was revoked by the Respondent/Hindustan Urvarak & Rasayan Ltd. with immediate effect on the ground that Petitioner was not relieved by Brahmaputra Valley Fertilizer Corporation Limited ('BVFCL'), his erstwhile employer within 30 days of joining, as undertaken by the Petitioner.

7. Factual matrix to the extent necessary is that Petitioner was offered appointment by BVFCL on the post of General Manager (Finance) and accepting the offer, he joined BVFCL on 28.04.2023. Respondent issued an advertisement on 15.01.2024 inviting applications for different posts including the post of Vice President (Finance), against which the Petitioner applied. Being successful in the selection process, Petitioner was offered appointment for the post of Vice President (Finance) vide letter dated 07.06.2024 and was directed to report for joining on or before 05.07.2024.

8. It is averred in the writ petition that on receipt of the offer letter, Petitioner tendered his resignation to BVFCL on the same day i.e. 07.06.2024 requesting to be relieved within 15 days as he was still on probation and was not required to serve any notice prior to being relieved. On 11.06.2024, Petitioner's resignation letter was forwarded by his Reporting Officer to HR Department for further processing. However, instead of accepting the resignation and relieving the Petitioner, BVFCL issued a Memorandum dated 15.06.2024 confirming his service retrospectively from 28.04.2024. Petitioner sent a letter on 20.06.2024 to BVFCL agreeing to serve one month notice period effective from



07.06.2024 or in the alternative asking the Respondent to adjust his balance notice period against his casual/leave balance to be recovered from his final settlement amount.

9. It is further stated that as Petitioner was not receiving any response from BVFCL, he joined the Respondent w.e.f. 08.07.2024 with an undertaking that he will submit the relieving letter from BVFCL within 30 days of joining. Instead of accepting the request of the Petitioner, a notice dated 12.07.2024 was served on him to show cause why disciplinary action be not taken initiated against him for joining the Respondent. Aggrieved with the notice, Petitioner filed a writ petition before the Gauhati High Court being W.P. (C) No. 3552/2024 and vide order dated 18.07.2024, the Court stayed any further proceeding pursuant to the show cause notice. On 21.08.2024, Court continued the interim order and observed that pendency of the writ petition shall not be a bar for processing and finalising the resignation offered by the Petitioner. However, in the meantime, Respondent unilaterally and without hearing the Petitioner issued the impugned order dated 19.08.2024 revoking his joining and decided to initiate fresh process for filling up the post in question, which led to filing of the present writ petition. By order dated 28.08.2024, this Court directed the Respondent not to take further steps to fill-up the vacancy in question and called for its response to the writ petition.

10. Learned Senior Counsel for the Petitioner, at the outset, submits that Gauhati High Court has disposed of the writ petition pending before the Court on 03.10.2024 recording the submission made on behalf of the Petitioner that BVFCL had issued an order dated 03.10.2024 accepting the resignation of the Petitioner and relieving him from service of the



Corporation from the said date after completion of requisite formalities. It is thus urged that in view of the relieving letter issued by BVFCL, there should be no impediment in permitting the Petitioner to join back on the post of Vice President (Finance) with the Respondent as that was the only ground for revocation in the impugned order.

11. Learned counsel appearing for the Respondent submits that due to the interim order dated 28.08.2024, Respondent did not initiate fresh process for filling up the vacancy and therefore, the post of Vice President (Finance) is lying vacant. It is fairly submitted that the sole reason for revoking the joining of the Petitioner was his not being relieved by BVFCL and that Petitioner's merit or credentials are not in question as Petitioner was a candidate selected by the Respondent.

12. Heard learned Senior Counsel for the Petitioner and learned counsel for the Respondent.

13. Challenge in this petition is laid to an order dated 19.08.2024 whereby joining of the Petitioner with the Respondent was revoked. There is no dispute between the parties that Petitioner was appointed to the post of Vice President (Finance) by the Respondent after successfully clearing the selection process. Admittedly, the only reason for revoking the joining of the Petitioner was that he was unable to furnish a relieving letter from BVFCL, his erstwhile employer, as per the undertaking given by him to produce the relieving letter within 30 days of joining. BVFCL has relieved the Petitioner w.e.f. 03.10.2024 and therefore, the basis of the impugned order no longer survives and there is no impediment in the way of the Petitioner from joining the Respondent as he is the candidate who was selected and had in fact joined the Respondent *albeit* for a short while. Due to the interim order



passed by this Court, Respondent has not initiated any fresh process for filling up the post in question and therefore, the post is lying vacant on which the Petitioner can join back.

14. In view of the above, this writ petition is allowed quashing the impugned order dated 19.08.2024. Respondent shall permit the Petitioner to join back on the post of Vice President (Finance) within a period of one week from today with all consequential benefits, in accordance with law.

15. Writ petition stands disposed of along with pending application.

JYOTI SINGH, J

OCTOBER 16, 2024

B.S. Rohella/shivam