



2024:DHC:8656-DB



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

*Date of decision: 05.11.2024*

+ W.P.(C) 15171/2024

RAHUL KUMAR

.....Petitioner

Through: Mr.Anshuman Mehrotra, Adv.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr.Rishav Dubey, Govt.  
Pleader with Mr.Raj Kumar,  
AC and Mr.Atul Sharma, SI  
(CISF)

**CORAM:**

**HON'BLE MR. JUSTICE NAVIN CHAWLA**

**HON'BLE MS. JUSTICE SHALINDER KAUR**

**NAVIN CHAWLA, J. (Oral)**

**CM APPL. 63583/2024**

1. Allowed, subject to just exceptions.

**W.P.(C) 15171/2024**

2. This petition has been filed by the petitioner challenging the letters dated 16.02.2024, 15.05.2024 and 15.06.2024 issued by the respondents, whereby they have rejected the request of the petitioner seeking extension of time to join the post of Constable (GD) in the Central Industrial Security Force (in short 'CISF') for which he was issued an appointment letter dated 27.09.2023.



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3. By the appointment letter dated 27.09.2023, the petitioner had been directed to report at the DIG/CISF RTC Deoli, District Tonk, Rajasthan by 21.10.2023. The petitioner claims that as he was taking care of his ailing mother who was undergoing medical treatment at a Government Hospital in Alwar, he wrote to the respondents by way of an e-mail and letters dated 05.10.2023, 06.10.2023 and 15.10.2023, requesting for an extension of 150 days (five months) to join the selected post. While the respondents did not respond to his requests, *vide* a letter dated 28.10.2023, the petitioner was directed to report for basic training at RTC, Deoli by 17.11.2023.

4. The learned counsel for the petitioner submits that by way of a cryptic letter dated 16.02.2024 from the respondents, the petitioner was informed of the rejection of his request for extension of time to join duty; the letter did not give any reasons for the said rejection. As the petitioner's mother improved in terms of health, the petitioner, thereafter, reported for joining on 20.03.2024 at RTC, Deoli. However, the respondents did not allow him to join with his batchmates and instructed him to withdraw and join in the upcoming batch for the said post. Aggrieved by the same, the petitioner sent emails and letters dated 26.03.2024, however, his request was rejected by the impugned letters dated 15.05.2024 and 15.06.2024, wherein the respondents stated that as the six months period from the date of issuance of the appointment letter has lapsed, he cannot be allowed to join now.

5. The learned counsel for the petitioner, placing reliance on the Judgment of this Court in ***Deepak Panghal v. Union of India***, 2013



SCC OnLine Del 1378, submits that as the respondents had the power to extend the joining period by six months, the application of the petitioner seeking such extension of the joining period could not have been rejected by a non-speaking order.

6. The learned counsel for the petitioner further submits that the petitioner had sought to join well before the expiry of the six months period from the date of issue of the letter of appointment and therefore, rejection of his representation on the ground that six months period has since lapsed is not correct.

7. Issue notice.

8. Mr. Rishav Dubey, learned counsel for the respondents accepts notice. He submits that the petitioner had been duly intimated of the joining date, not only by the appointment letter but also subsequently by the correspondence dated 28.10.2023. However, the petitioner chose not to join the duty. His application seeking extension of time for joining the duty has been considered and has been rejected. The petitioner, therefore, cannot be granted any relief.

9. We have considered the submissions made by the learned counsel for the parties.

10. In the peculiar facts of the present case in which the petitioner, post his appointment letter, had applied for further extension of time for joining the duty and the same having been rejected by a cryptic order dated 16.02.2024 which *prima facie* does not disclose any reasons for the rejection of the same, we are of the opinion that the present petition be considered as a representation of the petitioner by the respondents and the respondents should pass a speaking order



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thereon within a period of ten weeks from today. In case the petitioner wishes to file any further documents in support of his claim for leniency by the respondents, he may do so within a period of one week from today.

11. While considering the representation of the petitioner, the respondents shall not reject the same only on the ground that the six months period from the date of issuance of appointment letter has now passed.

12. With the above directions, the petition is disposed of.

**NAVIN CHAWLA, J**

**SHALINDER KAUR, J**

**NOVEMBER 05, 2024/ab/B/as**

*Click here to check corrigendum, if any*