



2025:DHC:800-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 10.02.2025

+ W.P.(C) 1579/2025
PUNEET KUMAR VOHRAPetitioner
Through: Mr.Anurag Singh Tomar, Adv.

versus

DIRECTOR GENERAL, BORDER SECURITY FORCE &
ANR.Respondents
Through: Mr.Himanshu Pathak, MSPC,
Mr.Kautilya Birat, GP,
Mr.Amit Singh, Adv.

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 Order dated 02.09.2024 passed by the respondent no.1, whereby the respondent no.1 has refused to grant a further extension of time to the petitioner to join the post of Law Officer Grade-II/Deputy Commandant on the ground that there is no provision for granting further extension and that the offer of appointment to the petitioner has lapsed automatically in case he did not join on the said date.

2. It is the case of the petitioner that the petitioner was given an offer of appointment by the respondent no.1 *vide* letter dated 19.07.2024, and he was asked to report for duty on 19.08.2024. The petitioner, however, by a letter dated 25.07.2024, requested the



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respondent no.1 for an extension of time to join the service.

3. The petitioner himself states that on 02.08.2024, he tendered his technical resignation to his current employer, that is, the Directorate of Prosecution, Bihar, (through BIPARD), seeking a discharge/release certificate from services. However, he later withdrew the said application.

4. In the meantime, the respondent no.1, *vide* Communicated dated 14.08.2024, extended the period for the petitioner to join the service and asked him to report for the same by 02.09.2024. Instead of availing this opportunity, the petitioner states in the petition that he left for training at the Kerala Judicial Academy under his current employer, that is, Directorate of Prosecution, Bihar.

5. The petitioner states that on coming back from the training on 28.08.2024, he then arranged for all the necessary documents required for tendering his resignation from his current employer, and then applied for further extension of time to join the service to the respondent no.1.

6. By the Impugned Communication dated 02.09.2024, however, the respondent no.1 informed the petitioner that in case he had not joined by the said date, his employment would stand automatically cancelled.

7. The petitioner, thereafter, made representations dated 05.09.2024, 12.09.2024 and 24.09.2024, seeking further extension of time to join the duty from the respondent no.1.



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8. The representations were rejected by a Communication dated 26.09.2024, informing the petitioner that his Offer of Appointment already stood cancelled by the Impugned Communication dated 02.09.2024.

9. The petitioner instead of approaching the Court, made further representation to the respondents, seeking the revival of his appointment.

10. The present petition was filed by the petitioner only on 07.02.2025.

11. The learned counsel for the respondents, who appears on advance notice of this petition, submits that further representation of the petitioner has also been rejected by a Communication dated 06.02.2025, informing the petitioner that there are no Rules that permit further extension of time for joining the service.

12. The learned counsel for the petitioner submits that the petitioner had to comply with various formalities for tendering his technical resignation from his current employer and thereafter to join the services of the respondent no.1. He submits that, therefore, the petitioner had requested for a further extension of time to the respondent no.1 to join the services, but this request was arbitrarily rejected by the respondent no.1. He submits that, as per the advertisement, the respondent no.1 had advertised six posts for Law Officer Grade-II/Deputy Commandant, however, to the knowledge and belief of the petitioner, only one post has been filled, and three are



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lying vacant. He submits that, therefore, it is also in the interest of justice that the respondent no.1 should be directed to further extend the period for the petitioner to join the post.

13. The learned counsel for the petitioner also placed reliance on Rule 7(3)(e)(iv) of the Border Security Force, Chief Law Officers, Additional Chief law officers, and Law Officers Recruitment and Conditions of Service Rule, 1999 (in short, ‘ Recruitment Rules’), to submits that the stand of the respondents that there is no provision in the Recruitment Rules for granting an extension of time for joining the service or for revival of the Offer of Appointment, is incorrect, as such an extension can be granted with the approval of the Ministry of Home Affairs.

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

15. From the above sequence of events, it is evident that the petitioner, having been given an Offer of Employment by the respondent no.1 *vide* Letter dated 19.07.2024, was asked to join the service on 19.08.2024. The petitioner submitted his technical resignation on 02.08.2024, however, for unexplained reasons, he later withdrew the same. He even went for his training at the Kerala Judicial Academy under his present employer, which itself shows that the petitioner was not certain about his willingness to join the respondent no.1. It appears that as an afterthought and only after receiving the letter dated 02.09.2024 informing the petitioner that no



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further extension would be granted to the petitioner for joining the service, that the petitioner started making representations to the respondent no.1 to revive his Offer of Appointment. Despite this, he did not approach this Court immediately thereafter, nor did he do so even after the request for extension was rejected, through a Communication dated 26.09.2024, by the respondents. The present petition, as noted hereinabove, has been filed only on 07.02.2025. Merely because certain posts have been left vacant with the respondent no.1, does not justify for a direction to be issued to the respondent no.1 to grant further benefits to the petitioner and allow him to join his service at his own whims and fancies.

16. As far as the reliance of the petitioner on Rule 7(3)(e)(iv) of the Recruitment Rules is concerned, the said Rule of the Recruitment Rules is reproduced herein below:

“7. Seniority:- The Seniority of Law Officer shall be determined in accordance with the following rules, namely:

xxx

(3) Subject to the provision of sub-rule (2), Inter-se-seniority amongst officers holding the same rank shall be as follows:

xxx

(e) The seniority in cases of delay in reporting for training after selection shall be as under:

xxx

(iv) an offer of appointment which has been lapsed, shall not ordinarily be revived, except in exceptional circumstances and on ground of public interest to be recorded in writing, and only after obtaining the approved of the Ministry of Home Affairs.”



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17. A reading of the above Clause would itself show that, ordinarily, the Offer of Appointment shall not be revived, except in exceptional circumstances and on grounds of public interest, which must be recorded in writing, and only after obtaining approval from the Ministry of Home Affairs.

18. In the present case, there is no exceptional circumstance except the own convenience of the petitioner, that has been made out by the petitioner, and there is also no element of public interest, as far as the respondent is concerned, for granting to the petitioner further extension of time for joining the service. The Ministry of Home Affairs has left it to the discretion of the respondent no.1 to take a decision on the revival of the Offer of Appointment to the petitioner, which the respondents by the Letter dated 06.02.2025, placed before us, has rejected. We do not find any reason to interfere with the same.

19. For the above reasons, we do not find any merit in the present petition. The same is accordingly dismissed.

NAVIN CHAWLA, J

SHALINDER KAUR, J

FEBRUARY 10, 2025/Arya/DG

Click here to check corrigendum, if any