



2025:DHC:1765-DB



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

+ **W.P.(C) 15093/2021**

AVINASH KUMAR VERMA

.....Petitioner

Through: Mr. S.K. Gupta and Mr. Udit
Gupta, Advocates

versus

UNION OF INDIA AND OTHERS

.....Respondents

Through: Mr. Talish Rai, CGSC with Ms.
Vasudha Priyansha and Ms. Divita Vashisht,
Advocates with Insp. Yespal, ASI (Exe)
Prahlaad Devenda and ASI (Exe) Rohtash

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE AJAY DIGPAUL

JUDGMENT (ORAL)

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18.03.2025

C. HARI SHANKAR, J.

1. The petitioner joined as Sub Inspector in the Central Industrial Security Force¹ on 23 December 2006. He was promoted to the post of Inspector on 11 September 2017.

2. Purportedly because he had never been posted in his home sector, his father was suffering from renal complications and other various health issues, his mother was suffering from neurological issues and there was no one in the family to look after them, the petitioner, on 13 February 2021 submitted the following letter,



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tendering his resignation from the services of the CISF:

“To,

The Dy. Inspector General
CISF APS WZ HQR,
Mumbai,
(Thorough proper channel)

**Sub: For Resignation from Service with all financial benefits
reg:**

Respected Madam,

I, No. 064980081, Inspector/Exe Avinash Kumar Verma have been serving in CISF since 23/12/2006 presently posted at CISF unit ASG Goa, want to resign from service because of my father is serious in kidney related problem and mother is under treatment of psychic problem, no one is to care of my parents and look after my ancestor's property. Now, it is not possible to continue work in CISF.

I, therefore request you to accept my resignation with all eligible financial benefit and relieve me from CISF on 02/03/2021. I will be obliged.

Thanking you

Date 13/02/2021

Yours

Avinash Kumar Verma
(Inspector/Exe)
CISF No. 064980081
CISF unit ASG Goa.
Mob. 9435960337”

3. The respondent-CISF accepted the petitioner's request and relieved him from service on 3 March 2021.

4. On 30 May 2021, the petitioner applied to the CISF for withdrawal of the earlier letter dated 13 February 2021, whereby he had sought to resign from the CISF. We deem it appropriate to reproduce the said letter thus:

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“To,

Director General
Central Industrial Security Force Headquarter,
13, CGO Complex,
New Delhi

Sub: Application for taking the resignation back and for rejoining the service of Central Industrial Security Force

Hon’ble Sir,

I Ex Inspector/Exe Avinash Kumar Verma (Force No.064980081) is praying to your goodself humbly that, I am praying for taking my resignation back in terms of new pension scheme and again for rejoining the services of Central Industrial Security Force and in this relation, I want to put the following facts before you for your positive order as under:

* Sir, on 02 March, 2021, because of the family problems, I had tendered my resignation from the CISF Unit, Goa Airport in terms of the letter No.1451 dated 20.02.21 of Dy. Inspector General/CISF AP, Navi Mumbai.

* The condition of my father was critical and my mother also was suffering from mental problem due to which, wrong decision was taken by me to tender the resignation.

* Sir, in terms of new pension scheme, I may be given the opportunity to rejoin the services of the Central Industrial Security Force for which, now I am fit for duty mentally and physically.

* Along the treatment of mother and father, for their proper care, it was necessary to remain present with them as they are getting their treatment from Prayagraj, Uttar Pradesh. Therefore, it is humbly prayed that for one tenure (if possible), order may be issued to join at any Unit of CISF nearby area of Prayagraj, Uttar Pradesh (BPCYL Naini/Meja Energy Corporation, Meja/Group Headquarter, Prayagraj/CELL Jagdishpur/Obrai Thermal Plant)

* On receipt of your order, I will perform my duties immediately after taking the charge with honesty and integrity in any unit of Central Industrial Security Force nearby area Prayagraj (Uttar Pradesh).

* Sir, from 03 March 2021 till date, neither I have not served in any private company nor was in support of any political party, from the above date, I remained present to look after my mother and father at my native place at Jaunpur, UP.

It is my humble request to your goodself that by considering me sympathetically, by giving my resignation back,

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order may be issued to join the services of Central Industrial Security Force in any of the Unit nearby area of Prayagraj (Uttar Pradesh) for which, I and my family will be thankful to you.

30.05.2021

Faithfully yours

Sd/-

Avinash Kumar Verma
Ex Inspector/Exe. Force No.064980081
Village Paharpur, Post Lohinda Distt.
Jaunpur, Uttar Pradesh 222145"

5. Mr. Gupta, learned counsel for the petitioner, submits that the aforesaid request for withdrawal of resignation had been made in terms of para 2(a) of Office Memorandum dated 10 June 2019 issued by the Department of Personnel and Training². The OM, to the extent relevant, reads:

"No. 28035/2/2014-Estt. (A)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel & Training
North Block, New Delhi-110001
Dated: 10th June 2019

Office Memorandum

Subject: Withdrawal of resignation of Central Government servants appointed after 31.12.2003 covered under the National Pension System (NPS)-reg.

The undersigned is directed to say that instructions on the procedure to be followed for 'Resignation from service' have been provided vide Ministry of Home Affairs O.M. No.39/6/57-Ests.(A) dated 06.05.1958, Department of Personnel & Training (DoPT) O.M. No.28034/25/87-Estt(A) dated 11.02.1988, No.28034/4/94-Estt. (A) dated 31.05.1994 and No.28035/2/2007-Estt. (A) dated 04.12.2007. Para 5 of DoPT O.M dated 11.02.1988 referred to above, provides the procedure for withdrawal of resignation as governed by Rule 26 (4) to (6) of Central Civil Services (Pension) Rules, 1972. References are being received from Ministries/Departments on the request for withdrawal of resignation by Government servants appointed after 31.12.2003



and for whom CCS(Pension) Rules are not applicable. The matter of withdrawal of resignation of Government servants of Central Civil Services/Posts. appointed after 31.12.2003 who are covered under the National Pension System (NPS) and for whom CCS (Pension) Rules. 1972 is not applicable has been considered in this Department and with the approval of the competent authority, it has been decided that the following guidelines/instructions may be followed while considering the request for withdrawal of resignation of the aforesaid Government servants.

2 The appointing authority may permit a person to withdraw his resignation in the public interest on the following conditions, namely:

(a) that the resignation was tendered by the Government Servant for some compelling reasons which did not involve any reflection on his integrity, efficiency, or conduct *and the request for withdrawal of the resignation has been made as a result of a material change in the circumstances which originally compelled him to tender the resignation...*

(Emphasis supplied)

6. At a bare reading, Clause 2(a) of the DOPT OM dated 10 June 2019, permits withdrawal of resignation, within a period of 90 days from tendering of the resignation only if there is some material change in circumstances *vis-à-vis* those which existed at the time when resignation was tendered. It is clear from a reading of the letter dated 30 May 2021 *supra* that the petitioner did not advert to any change of circumstances *vis-à-vis* the position which obtained on 13 February 2021, much less any material change of circumstances.

7. Within a fortnight of submitting the aforesaid letter dated 30 May 2021, the petitioner submitted a further communication on 14 June 2021, which translated into English, reads thus :

“To,

The Director General,
Central Industrial Security Force Headquarter,



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13, CGO Complex,
New Delhi

Sub: Regarding taking back the resignation and request for reinstatement in the Central Industrial Security Force again in terms of office letter No.6270(E) dated 14.06.2021 issued by the office of the Inspector General.

Hon'ble Sir,

I Ex Inspector/Exe Avinash Kumar Verma (Force No.064980081) is requesting to your goodself humbly that in terms of new pension scheme, for taking back my resignation and in relation to give opportunity for my joining in the Central Industrial Security Force once again, I want to submit the following facts for your perusal:

- * Sir, on 02 March 2021, the family problems due to which, I had tendered my resignation from my post of Inspector/Exe, CISF Unit, Goa in terms of the letter No.1451 dated 20.02.2021 of Dy. Director Inspector/CISF/AP, Navi Mumbai, now those circumstances have become changed and now my younger brother Manoj Kumar (presently working in AG Office, Prayagraj) is looking after mother and father properly.
- * Sir, there was requirement to remain present with mother and father to look after them and due to which, I was requesting for my joining at any CISF Unit nearby area of Prayagraj (Uttar Pradesh), it was based upon any condition.
- * Sir, in any application submitted by me, for the purpose to reinstate me in service, there was no condition of any type.
- * Sir, now the circumstances have becomes changed, kindly considering me sympathetically, justice may be done to me and by taking positive decision, I may be given the opportunity to reinstate me in service.
- * Sir, I undertake that I will perform my duties in the Central Industrial Security Force with conscientiously and honesty.

It is humble request to your goodself that by considering me sympathetically, order may be issued for giving me my resignation back and my reinstatement in the Central Industrial Security Force for that, I and my family will be thankful to you.

14.06.2021

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Yours faithfully

Sd/-

Avinash Kumar Verma

Ex Inspector/Exe.

Force No.064980081

Village Paharpur, Post Lohinda

Distt. Jaunpur, Uttar Pradesh 222145

M.:9435960337"

8. The only difference between the letter of 30 May 2021 and the letter of 14 June 2021 is that, in the latter communication, the petitioner averred that his brother, who was working in the AG office, Prayagraj, was properly looking after the petitioner's parents.

9. Mr. S.K. Gupta, learned counsel for the petitioner, on being queried, acknowledges the fact that the petitioner's brother was, even at the time when the petitioner tendered his resignation on 13 February 2021, posted in Prayagraj. Nonetheless, he submits that as his brother was not earlier looking after his parents properly and had now had a change of heart, a change in circumstances, warranting withdrawal of resignation submitted by the petitioner, had come into being.

10. It is obvious that the explanation cannot be accepted. It is impossible to believe that, on 13 February 2021 and even on 30 May 2021, the petitioner's brother, who was stationed in Prayagraj, was not looking after his parents and, suddenly, within the next two weeks, the petitioner's brother decided to look after the petitioner's parents. In any event, there was no change in circumstances, as the petitioner's brother was, earlier and thereafter, stationed in Prayagraj itself.

11. Rather, it appears that the petitioner, on realizing that he had not

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pleaded any material change in circumstances in his communication dated 30 May 2021, suddenly decided to introduce the new found magnanimity of his brother as a ground to urge a material change in circumstances, in his subsequent communication dated 14 June 2021. If anyone had a change of heart, therefore, it appears to have been the petitioner; not his brother.

12. That apart, the communication dated 14 June 2021 was issued beyond the period of 90 days from 3 March 2021, when the petitioner's resignation became effective. Clause 2(a) of the DOPT OM dated 10 June 2019 obligated the authorities only to consider representations for withdrawal of resignation tendered within 90 days of the resignation becoming effective, provided the application disclosed a material change in circumstances.

13. The application dated 30 May 2021, which was in fact tendered within 90 days of the petitioner's resignation becoming effective, did not disclose any change in circumstances.

14. The purported material change in circumstances, in the form of the sudden decision of the petitioner's brother to look after his parents was introduced for the first time in the representation dated 14 June 2021 and was, therefore, submitted after the period of 90 days from 3 March 2021 was over. Even for this reason, the representation dated 14 June 2021 could not be considered under clause 2(a) of the DOPT OM dated 10 June 2019.

15. Besides, we reiterate that it is difficult for us to believe that the

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new found parental love displayed by the petitioner's brother was a material change in circumstances which have occurred after 30 May 2021 and which, therefore, entitled the petitioner to the benefit of clause 2(a) of the DOPT OM dated 10 June 2019.

16. The respondents have also taken the same view while rejecting the petitioner's representation for withdrawal of resignation in their order dated 8 June 2021.

17. We find no error in the view adopted by the respondents.

18. The writ petition is, accordingly, dismissed as devoid of merit, with no orders as to costs.

C. HARI SHANKAR, J.

AJAY DIGPAUL, J.

MARCH 18, 2025/yg

Click here to check corrigendum, if any