



2025:DHC:595-DB



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

Date of decision: 31.01.2025

+ W.P.(C) 12964/2024 & CM APPL. 54050/2024, 2528/2025

MANOJ

.....Petitioner

Through: Mr.Vikas Singh & Ms.Nisha
Dhaka, Advs.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr. Aditya Vikram, SPC with
Mr. Hussain Taqvi & Mr.
Ayushman Sharma, Advs.
SI Shrabanta Sarkar, SSB.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

SHALINDER KAUR, J. (ORAL)

1. The present writ petition has been filed by the petitioner, under Article 226 of the Constitution of India, challenging the legality and validity of the Impugned Order bearing No. 06/05/Select-Panel/Vety-TRD/2024/14854-55 dated 22.07.2024, whereby the respondents have cancelled the petitioner's Appointment Offer for the post of Constable (Driver). The petitioner further seeks the issuance of appropriate directions to the respondents to permit him to join the aforesaid post in the Sashastra Seema Bal ('SSB').

2. The petitioner had applied for the post of Constable (Driver) pursuant to Advertisement No. 338/RC/SSB/Combined Advt/CTs/2020 dated 28.07.2020, under Registration No. 20345940



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dated 09.09.2020. After duly participating in the selection process, the petitioner successfully qualified through all requisite stages, including the Physical Efficiency Test (PET)/Physical Standard Test (PST), Computer-Based Examination, Medical Examination, and Trade Test. Consequently, the petitioner was declared 'fit' for appointment to the said post.

3. The petitioner was issued an Appointment Offer *vide* File No. 06/04/SSB/ Select-Panel /Vety- TRD/ 2023/ 16743-16744, dated 25.11.2023, directing him to assume duty within a period of 45 days. However, due to unforeseen medical complications concerning his mother, the petitioner was unable to join the said post during the prescribed period as per the terms of the Appointment Offer. Upon his request, the petitioner was granted an extension on three occasions, ultimately extending the joining period until 07.04.2024.

4. Subsequently, in view of his mother's persisting medical condition and the apprehension of a Tuberculosis relapse, the petitioner sought a change of battalion. This request was, however, declined by the respondents through Memorandum No. 5-25/2023/SSB/Pers-III(Vol-II)/4210-11, dated 16.04.2024, duly signed by the Second-in-Command (Pers-III), and communicated to the petitioner accordingly.

5. The respondents, through Office Memorandum No. 6610-11, dated 07.05.2024, informed the petitioner that he is required to join the post on or before 15.05.2024. It was further stated that failure to do so would result in the automatic lapse of the Appointment Offer



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upon the expiry of six months.

6. The petitioner reported at FHQ SSB, R.K. Puram, on 03.06.2024, where he was instructed to submit a formal request explaining the reasons for the delay in joining. In compliance with the said direction, the petitioner submitted the requisite request.

7. The petitioner, upon the diagnosis of his mother as suffering with '*Bilateral Side Minimal Pleural Effusion with Basal Atelectasis and Loculated Effusion in the right lung fissure*', submitted a request vide letter dated 18.06.2024, seeking permission to join the organization. However, upon receiving no response thereto, the petitioner once again reported at FHQ SSB, R.K. Puram on 20.06.2024 and reiterated his request to join. Subsequently, the petitioner was served with the impugned order, whereby his Appointment Offer was cancelled on the grounds of failure to join within the stipulated time.

8. Being aggrieved by the cancellation of his Appointment Offer, the petitioner instituted the present writ petition.

9. The learned counsel for the petitioner submits that the petitioner hails from an economically disadvantaged background, with his family being financially dependent upon him. It is further contended that, apprehending that his mother was suffering from tuberculosis, a contagious disease, the petitioner, in good faith, remained at home until the diagnosis was confirmed to prevent any potential risk of transmission.

10. He contends that upon confirmation of the diagnosis, the



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petitioner promptly reported and sought permission to assume his duties. He further submits that the petitioner has annexed with the petition a copy of the medical record exhibiting his mother's illness, thereby demonstrating that the petitioner had always intended to join the service and that the delay in his joining was solely due to his mother's medical condition. He contends that the cancellation of the petitioner's Appointment Offer is illegal, unjust, and arbitrary, thereby violating Article 14 of the Constitution of India.

11. On the other hand, seeking dismissal of the petition, the learned counsel for the respondents submits that the respondents, after due consideration of the petitioner's requests and situation, granted multiple extensions, allowing him to join the post of Constable (Driver) until 07.04.2024. It is further submitted that through Office Memorandum No. 6610-11, dated 07.05.2024, the petitioner was duly informed to join the post on or before 15.05.2024, failing which the Appointment Offer would lapse automatically upon the expiry of six months. He further submits that despite these extensions and clear instructions, the petitioner failed to join within the stipulated time, which manifests the petitioner's non-commitment towards the Force, thereby leading to the cancellation of his Appointment Offer in accordance with the terms of existing government instructions.

12. We have considered the submissions made on behalf of the parties and perused the record.

13. The petitioner is seeking appointment to the Sashastra Seema Bal, an organization that demands the highest standards of discipline



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and adherence to duty. However, by his own averments in the petition, the petitioner has demonstrated a lack of discipline from the very inception. Despite being granted multiple extensions and being duly informed by the respondents that the Appointment Offer would lapse if he failed to join within six months from the date of its issuance, the petitioner repeatedly prolonged his date of joining beyond the stipulated time. His failure to comply with the clear terms of appointment and the prescribed timelines, cannot be overlooked in an organization where discipline and commitment are of paramount importance. While the petitioner contends that he could not join the service due to the ill health of his mother, this cannot give him a justified cause for the same. The offer of appointment cannot remain open for the petitioner to join at his convenience and pleasure.

14. We are, therefore, of the considered opinion that the petitioner was fully aware of the consequences of non-compliance with the instructions. In view of this, we find no infirmity in the Impugned Order passed by the respondents, thereby cancelling the Appointment Offer.

15. Consequently, the petition stands dismissed. The pending applications stand disposed of.

SHALINDER KAUR, J

NAVIN CHAWLA, J

JANUARY 31, 2025/ss/KP/DG

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