

Anil Kumar vs.union of India and Ors

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Court : Delhi

Decided On : Jul-28-2017

Appellant : Anil Kumar

Respondent : Union of India and Ors

Judgement :

\$~23 * + IN THE HIGH COURT OF DELHI AT NEW DELHI W.P.(C) 6446/2017

Date of decision :28th July, 2017 ANIL KUMAR Through: Mr.M.D.Jangra, Adv.

... Petitioner

versus

... RESPONDENTS

Through: Mr.Kamal Kant Jha, Sr. Panel counsel UNION OF INDIA AND ORS

CORAM: HON'BLE MR. JUSTICE SANJIV KHANNA HON'BLE MR. JUSTICE

NAVIN CHAWLA SANJIV KHANNA, J.

(Oral) Anil Kumar, the petitioner was appointed in the Border Road Organization (BSF) at the post of OEM on 17th April, 2009. The petitioner, however, decided to resign and had sent letter of resignation, which was accepted by the Authorities. The petitioner was discharged on 15th September, 2012.

2. The petitioner accepted the said position and thereafter, remained quite.

3. After more than 18 months the petitioner made a representation on 5th February, 2014 claiming that he had tendered WP(C) 6446/2017 Page 1 his resignation under mental stress on account of domestic problems. The petitioner had three children including two daughters and due to poverty, he was unable to look after them.

4. The representation for re-employment was rejected on 8th April, 2014. The rejection letter records that the representation was made after more than 18 months and requests for reinstatement, after six months of resignation, were not entertained.

5. The petitioner even thereafter, kept on making representations and has now preferred the present writ petition.

6. The petitioner professes that he was of unsound mind and, therefore, the resignation was as null and void. Reference is made to one OPD slip issued by the Regional Institute of Medical Sciences Hospital, Lamphel, Imphal dated 4th January, 2011. Reliance is placed on judgments of the Himachal Pradesh High Court in Bhag Chand vs. Union of India & Ors. 2007 (2) Shim LC366 and judgment of Punjab and Haryana High Court in CWP no.9790-CAT of 2004 in Director General, SAI vs. CAT & Ors. decided on 21st April, 2009.

7. We have considered the said contention but do not find any merit in the same. As noticed above, the petitioner has relied upon one OPD card of the Regional Institute of Medical Sciences Hospital, Lamphel, Imphal dated 4th January, 2011. The earlier notings in the OPD card indicate that the petitioner was under treatment for skin ailment and was referred to Psychiatrist for WP(C) 6446/2017 Page 2 multiple unrelated problems. The petitioner had tendered his resignation 18 months thereafter, which resignation was accepted on 15th September, 2012. Representation for re-employment was made on 5th February, 2014, states that the petitioner was posted to Leh-Ladakh and had served there for 3 months when due to his deteriorating domestic problems and as there was no responsible person at home, the petitioner had resigned. This representation does not refer or indicate that mental unsoundness was the reason for resignation. The plea now taken is an afterthought. There is nothing on record to show that the petitioner had

undergone treatment or was under consultation of a psychiatrist. The judgments relied have no application.

8. The writ petition has no merit and the same is dismissed. No costs. SANJIV KHANNA, J NAVIN CHAWLA, J JULY28 2017 RN WP(C) 6446/2017 Page 3

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