

## Jagmal Singh Vs Union of India and Others

**Court:** High Court Of Punjab And Haryana At Chandigarh

**Date of Decision:** Oct. 8, 2013

**Hon'ble Judges:** Rajiv Narain Raina, J

**Bench:** Single Bench

**Advocate:** Rakesh Gupta, for the Appellant;

**Final Decision:** Dismissed

### Judgement

Rajiv Narain Raina, J.

The petitioner resigned from BSF on 10.5.1993 while serving as a Constable. The resignation was accepted in

1993. Domestic reasons were cited by the petitioner in submitting his letter of resignation. Thereafter, the petitioner made a prayer before the

competent authority in the BSF for re-enlistment in the Border Security Force. That request was rejected on 28.9.1993. Learned counsel for the

petitioner submits that thereafter, the petitioner has made numerous representations spanning 20 years for re-enlistment. Ultimately, the petitioner

served a legal notice to the competent authority at Tripura. The commandant, 102 Bn BSF vide his letter dated 17.5.2013 has extended the

courtesy to respond to the legal notice and informed the Counsel that the request for re-enlistment was rejected in the year 1993 for the reason

that the petitioner had applied for resignation voluntarily. The history of the case of the petitioner has been attached with the letter. This letter can

be viewed only as a reply by way of courtesy. It does not create a fresh cause of action as it decides nothing new nor creates any new rights or

liability other than which were foreclosed on 9.5.1993.

2. Learned counsel for the petitioner submits that while accepting the resignation letter of the petitioner, there was no mention that the resignation

was being accepted on acceptance of factum of domestic problems. Whether it was or it was not, will not make any material difference. Since the

acceptance of the letter of resignation is affirmance of the reasons given in the letter of resignation, in which, it is not disputed that domestic

problems were cited as reason for resignation. For this, rule 8A of the BSF Rules, 1968 have been cited in support. It is well settled that the

repeated requests do not give a cause of action. See S.S. Rathore Vs. State of Madhya Pradesh, . Therefore, there is no merit in this petition

which is dismissed.