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

+ **W.P.(C) 10844/2016**

ZAKARIA AHMED

..... Petitioner

Through Mr. Ankur Chibber, Advocate

versus

UNION OF INDIA & ORS

..... Respondent

Through Mr. Anil Soni, Advocate for
respondent No. 1 to 5
Mr. S.S.Sejwal, Law officer

CORAM:

HON'BLE MS. JUSTICE INDIRA BANERJEE

HON'BLE MR. JUSTICE ANIL KUMAR CHAWLA

ORDER

% **16.11.2016**

CM No. 42508/2016 (Exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 10844/2016 & CM No. 42507/2016 (stay)

The petitioner was appointed as a Constable of the Central Reserve Police Force on 1.4.1988, after which he underwent basic training from April, 1988 to March, 1989 at Group Centre-II, Ajmer.

On completion of basic training, the petitioner was posted to the 96 Battalion at Chandigarh where he continued till 2002. It is the case of the petitioner that the petitioner was an active sports person

who had secured medals as stated in the petition. It is claimed that by reason of his achievement in the field of sports, the petitioner was inducted into the Central Athletics Team of the CRPF at New Delhi. It is not in dispute that the petitioner has been attached to the Central Athletics Team of the CRPF at New Delhi for about 14 years from 2002 onwards.

It appears that the petitioner last secured a Silver Medal in the National Athletics Championship in the year 1995 in the 4 X 100 meter relay. After 1995 the petitioner did not actually participate in the sports events. According to the petitioner, having regard to the proficiency of the petitioner, the petitioner was made Assistant of the Chief Coach.

By an order dated 16.4.2014, the petitioner was de-inducted from the Central Athletics Team with immediate effect. The petitioner challenged the said order dated 16.4.2014 by filing a writ petition being WP(C) No. 3920/2014 which was disposed of by a consent order dated 8.8.2016 .

It was agreed that the respondents would issue a show cause notice seeking response of the petitioner in relation to the impugned

action and then take a decision after considering the response of the petitioner. After the aforesaid order was passed, a show cause notice dated 21.9.2016 was issued to the petitioner, inter-alia alleging that it had been noticed that the petitioner had been attached with the Central Athletics Team since 1994, but after participation in All India Police Games, 1995 and in the Federation Cup in 1997 the petitioner had not participated in any All India Police Games or any other National Championship. The petitioner was informed that the petitioner would be moved as he had not been able to secure Medals for the Force in the All India Police Games or National Championships and the duties of Team Manager for which he had been retained in the team were no longer required. The petitioner was required to show cause as to why the petitioner should not be detached from the Central Athletic Team on grounds alleged in the show cause notice.

In response to the aforesaid show cause notice, the petitioner gave a detailed reply dated 26.9.2016 inter-alia contending that he had been retained in the Central Athletic Team since he had been made Assistant Coach after he ceased to actively participate in sports

events. It was contended that the team of which he had been appointed Assistant Coach had performed well all along.

By an impugned order dated 2.11.2016 which is under challenged in this writ petition, the reply of the petitioner to the show cause notice has been rejected as devoid of merit.

The order dated 2.11.2016 is extracted herein below:-

“Refer to this Directorate letter of even no. dated 21/09/2016 and your reply dated 26/09/2016.

2. On the above matter, it is to inform that the reply submitted by you on the Show Cause Notice, has been considered and carefully examined in this Directorate. Competent Authority is not satisfied with your reply and rejected being devoid of merit.

3. Therefore, you are hereby de-attached from the Central Athletic Team with direction to report to your parent unit i.e. 176 Bn. CRPF forthwith.”

The impugned order dated 2.11.2016 is a non-speaking order which does not deal with any of the contentions in the detailed reply given by the petitioner. The order does not indicate why the Competent Authority was not satisfied with the reply given by the petitioner.

The impugned order being non-speaking and devoid of reasons, the same cannot be sustained. After the issuance of impugned order

dated 2.11.2016, another order dated 4.11.2016 was issued for movement of the petitioner, which also cannot be sustained.

The impugned orders dated 2.11.2016 & 4.11.2016 are thus set aside and quashed. Thus order will not, however, prevent the respondent authorities from taking a fresh reasoned decision in accordance with law after giving the petitioner an opportunity of hearing.

The writ petition and the application are dismissed.

INDIRA BANERJEE, J

ANIL KUMAR CHAWLA, J

NOVEMBER 16, 2016

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