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

+ **W.P.(C) 6648/2015**

BALRAM MEENA

..... Petitioner

Through: Ms. Saahila Lamba, Advocate.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. J.K. Singh, Advocate.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

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10.03.2016

1. The petitioner had applied as a candidate for the post of Constable in the Railway Protection Force (in short '**the RPF**')/respondent in response to an advertisement issued in the year 2011. Vide letter dated 1.10.2014, the petitioner was informed that he had been provisionally selected as a Constable in the RPF and on successful completion of training, subject to fulfilment of other conditions, he shall be issued a call letter. Further, the petitioner was directed to report for training on 01.11.2014. The training period was to last for a period of 6-7 months. However, during the course of the training on 15.6.2015, the respondent issued a discharge Memorandum dated 15.6.2015 to the petitioner informing him that at the time of reporting for training, he had submitted an Attestation Form dated 16.6.2014 and an Affidavit dated 27.10.2014, affirming *inter alia* that he had never been

arrested and/or prosecuted, or kept under detention, whereas the Superintendent of Police, District Alwar, Rajasthan had forwarded a police verification report which revealed that a case had been registered against him at PS Bhadas, Raini, Crime Case No. 162/2004 under Sections 147,323,341,149 of IPC.

2. Ms. Lamba, learned counsel for the petitioner submits that the entire procedure adopted by the respondents while discharging the petitioner from training and cancelling his selection to the post of Constable is flawed for the reasons that the respondent had failed to issue any notice to show cause to him before passing the said order, thus violating the principles of natural justice. She states that in identical cases, the respondents have first issued a notice to show cause to the concerned candidates, provisionally selected before proceeding to pass any orders against them whereas in the present case, the petitioner was not even afforded an opportunity to put forward his defence and had such an opportunity been given to him, the impugned order would not have been passed.

3. We have inquired from learned counsel for the respondents as to whether any notice to show cause was issued to petitioner prior to issuing the impugned Discharge Memorandum dated 15.6.2015, to which the reply is in the negative. Learned counsel for the respondents states that the records do not reveal that any Memorandum was issued to the petitioner confronting him with the verification report received from local police station and calling upon him to put forth his defence. In fact, there is no reference made to the information furnished in the Police verification report in the impugned Memorandum dated 15.6.2015.

4. In such circumstances, we are of the opinion that the impugned

Memorandum cannot withstand judicial scrutiny. The respondents ought to have issued a notice to show cause to the petitioner and granted him an opportunity to respond before passing any orders discharging him from training. Accordingly, the impugned Memorandum is quashed and set aside with liberty granted to the respondents to issue a notice to show cause to the petitioner based on the police verification report received by them. The notice to show cause shall be issued by the respondents within six weeks from today. Upon receiving the said notice, the petitioner shall be at liberty to explain his case and furnish the relevant documents that he proposes to rely upon, which shall be duly considered by the respondents and only thereafter shall an order be passed in accordance with law, under written intimation to him.

5. The petition is disposed of.

HIMA KOHLI, J

SUNIL GAUR, J

MARCH 10, 2016

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