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

\+ W.P.(C) 3678/2017

SANJAY KUMAR JHA ..... Petitioner
Through Mr. O.P. Agarwal and Mr. Deepak Agarwal, Advs.

versus

UNION OF INDIA AND ORS ..... Respondents
Through Mr. Rajesh Kumar, Adv.for R1 to R4.

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE ANIL KUMAR CHAWLA

O R D E R

% 28.04.2017

Petitioner has challenged the Show Cause Notice dated 1/3.3.2017 issued by the Director General, Central Industrial Security Force under Rule 54 of the Central Industrial Security Force Rules, 2001. Show Cause Notice proposes to enhance the penalty of Compulsory Retirement from service with admissible full compensation and gratuity to that of 'Dismissal From Service'. The petitioner has submitted reply to the Show Cause Notice vide representation/letter dated 31.3.2017. Having regard to the contentions raised, we do not think that the challenge should be entertained at this stage. The averments made in the writ petition relate to merits etc. of the charges, disciplinary proceedings and why and for what reasons, the petitioner is not guilty. The power and jurisdiction of the Director General to issue Show Cause Notice under

Rule 54 are not questioned or challenged. A writ petition lies when some right of any party is infringed. A mere show cause notice does not infringe the right of anyone. Ordinarily writ petitions are not entertained against issue of a mere show cause notice as they are premature at that stage. (See Union of India & Anr. Vs. Kunisetty Satyanarayana (2006) 12 SCC 28). We are not shown any reason and ground not to follow this dictum and restraint in the present case.

In case, an adverse order is passed, it would be open to the petitioner to challenge the said order in accordance with law. This order would not be construed as an order expressing of opinion either in favour or against the petitioner. The Director General would independently apply his mind and can pass appropriate order. Writ petition is disposed of in the above terms.

Dasti.

SANJIV KHANNA, J

ANIL KUMAR CHAWLA, J

APRIL 28, 2017/rc