

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

Date of Order: December 06, 2017

+ **W.P.(C) 10824/2017**

AMIT CHHIKARA Petitioner
Through: Mr. Rahul Sinha and Mr. Nitin K.
Gupta, Advocates
versus

UNION OF INDIA AND ORS. Respondents
Through: Mr. R.V. Sinha, Mr. Jitendra
Kumar Tripathi and Mr. A.S. Sinha, Advocates
for respondents No.1 & 2
Mr. Manoj, Standing Counsel and Ms. Aparna
Sinha, Advocate for respondent-FCI

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. In this petition, quashing of Show-cause Notice of 14th June, 2013 (*Annexure P-1*) is sought and non-consideration of petitioner for appointment on the post of AG-III (General) is also under challenge.
2. Learned counsel for petitioner submits that impugned Show-cause Notice of 14th June, 2013 (*Annexure P-1*) has been duly replied vide Reply (*Annexure P-2*). Learned counsel for petitioner submits that similar Show-cause Notices were subject matter before this Court's Division Bench decision in *Staff Selection Commissioner & Anr. v. Sudesh* 2014 SCC OnLine Del 7534 wherein the Division Bench has quashed the said Show-cause Notices and the said decision has been affirmed by Supreme Court vide its order of 19th July, 2017 in *Civil Appeal No(s). 2836-*

2838/2017 titled *Staff Selection Commission, Thr. its Chairman & Anr. v. Sudesh*. According to petitioner's counsel, respondent-*Staff Selection Commission* has been directed to appoint similarly placed persons like petitioner, therefore, petitioner was waiting the outcome of the decision in *Sudesh (supra)* and now, in view of Supreme Court's decision in *Sudesh (supra)*, respondent-*Staff Selection Commission* ought to withdraw impugned Show-cause Notice (*Annexure P-1*).

3. Learned counsel for respondent-*Staff Selection Commission* submits that if the Reply to Show-cause Notice of 14th June, 2013 (*Annexure P-1*) has been received, then a decision thereon would be taken in light of this Court's Division Bench decision in *Sudesh (supra)*, which has been affirmed by Supreme Court vide its order of 19th July, 2017, within a period of six weeks and its fate would be conveyed to petitioner within two weeks thereafter.

4. Let it be so done to enable petitioner to avail of remedies as available in law, if need be. It is clarified that respondent-*Staff Selection Commission* would be at liberty to issue another Show-cause Notice, if the facts and circumstances of this case so warrant.

5. With aforesaid directions, this petition is disposed of.

6. Copy of this order be given *dasti* to counsel for both the sides to ensure its compliance.

(SUNIL GAUR)
JUDGE

DECEMBER 06, 2017

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