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

+ W.P.(C) 3629/2018 & C.M. No.36222/2018

SH SUBHASH CHAND AGARWAL Petitioner

Through: Mr R. K. Agarwal and Mr S. C. Agarwal, Advocates.

versus

UNION OF INDIA AND ORS. Respondents

Through: Mr Manish Mohan, CGSC with Ms Manisha Saroha, Advocates for R-1 & R-5.

Mr B. P. Singh, Mr Amit Singh and Mr Anubhav Gupta, Advocates for R-3 and R-4.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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06.09.2018

1. The petitioner has filed the present petition, *inter alia*, impugning an order dated 06.09.2016, whereby it was directed that the petitioner would not be considered for appointment as a non-official Director on the Board of any CPSE. One of the principal grounds urged by the petitioner for challenging the impugned communication is that the petitioner was not afforded any opportunity of representing his case or meeting the allegations, prior to issuance of the said order.
2. Mr Mohan, learned counsel appearing for the respondent no.1 and 5 states that a show cause notice dated 28.06.2018 has been issued and the petitioner now has full opportunity to make a representation in this regard.

He states that the final decision shall be taken only after considering the petitioner's response.

3. In view of the above, the impugned order dated 06.09.2016 is set aside. The petitioner is at liberty to respond to the said show cause notice within a period of three weeks from today. The respondents shall consider the petitioner's response and pass a speaking order after affording the petitioner an opportunity to be heard.

4. It is clarified that the concerned authority shall pass the order uninfluenced by the earlier decision.

5. The writ petition is disposed of with the aforesaid directions. The pending application is also disposed of.

6. It is clarified that all contentions of the parties are reserved.

VIBHU BAKHRU, J

SEPTEMBER 06, 2018
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