

\$~38

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 5169/2018 & C.M. Appl. No.20080/2018
LT COL SUBHASH CHANDER SIPEHIYA

..... Petitioner
Through Mr. Raja Chatterjee, Mr. Piyush
Sachdev and Ms. Runamoni Bhuyan,
Advs.

versus

DIRECTORATE GENERAL RESETTLEMENT & ANR

..... Respondents
Through Mrs. Bharathi Raju, CGSC for
respondents.

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER
15.05.2018

%

1 Issue notice.

1.1 Ms. Raju accepts notice on behalf of the respondents. Ms. Raju says that she will argue on the basis of record as presently available and therefore, does not wish to file reply in the matter.

2 The instant writ petition is directed against the order dated 01.05.2018, whereby, the petitioner was dis-empanelled by respondent No. 1/Directorate General Resettlement (in short 'DGR'). Prior to the passing of the order, a show cause notice dated 06.04.2018, was issued to the petitioner.

3. It is the petitioner's say that the said show cause notice was dispatched to the petitioner only on 19.04.2018, and that, thereafter, it was received by him on 27.04.2018.

4. The petitioner avers that a reply dated 28.04.2018, was filed with respondent No. 1/DGR on 02.05.2018. It is the petitioner's submission that having regard to the aforesaid dates and events, there was no way that the petitioner could have filed the reply on or before 10.04.2018.

5 In sum, the petitioner contends that the impugned order has been passed without considering the defence of the petitioner which is contained in its reply, dated 28.04.2018.

6 Ms. Raju, on the other hand, submits that the infractions committed by the petitioner were pointed out, as a matter of fact, in the letter dated 14.06.2017, which is, referred to in the show cause notice dated 06.04.2018. Furthermore, relying on the reply filed by the petitioner, Ms. Raju argues that at least two out of four infractions pointed out in the show cause notice dated 06.04.2018 have been accepted by the petitioner.

7 Having heard the learned counsel for the parties, what emerges from the record is that the show cause notice dated 6.4.2018 was dispatched after the date for filing the reply had been crossed, resulting in delaying the entire process. The petitioner's reply dated 28.04.2018, if he is to be believed, could not have been filed before 10.04.2018.

8 Therefore, for the foregoing reasons, the impugned order dated 01.05.2018 is set aside. Respondent No. 1/DGR is directed to reconsider the matter. For this purpose, the petitioner will be granted a personal hearing in the matter. While considering the matter, the petitioner's reply dated 28.04.2018 will be taken into account by

respondent No. 1/DGR. A copy of the order, ultimately, passed by respondent No. 1/DGR will be furnished to the petitioner. In case, the petitioner is aggrieved by the final determination made by respondent No. 1/DGR, he will have the liberty to assail the same in a manner known to law.

9 The petition is disposed of in the aforesaid terms.

10 Pending application shall stand closed.

RAJIV SHAKDHER, J

MAY 15, 2018

A