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

+ W.P.(C) 8824/2017 & CM No. 36038/2017

COL.R. JASROTIA (RETD.) Petitioner

Through: Mr T. K. Joseph, Advocate.

versus

UNION OF INDIA AND ANR. Respondents

Through: Mr Akshay Makhija, CGSC with Ms
Seerat Deep Singh, advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **01.11.2018**

1. The petitioner has filed the present petition, *inter alia*, impugning an order dated 11.07.2017, whereby the petitioner has been disempanelled from the Ex-servicemen Security Agency Scheme of DGR. A plain reading of the impugned order indicates that one of the grounds on which the petitioner has been disempanelled is that he was employed in providing services to other private organisations which, according to the DGR is not permissible.
2. The petitioner contends that he was empanelled under the policy that existed prior to 09.07.2012 and the condition that the petitioner would not engage in providing services to private organisation was not applicable. He also relies on the decision of this Court in ***Meghdoot Security Services v. Director General of Resettlement: W.P.(C) 6861/2013*** decided on **13.11.2017** in support of his contention.
3. The learned counsel appearing for the respondent states that apart

from the above, the petitioner has also been disempanelled on the ground that the petitioner has submitted a false declaration on an affidavit. The learned counsel has also handed over a copy of the affidavit dated 15.02.2012 furnished by the petitioner affirming that he was not employed in any Central/State Government or private organisation.

4. The respondent (DGR) has not considered the petitioner's contention that the condition not to engage in providing services to other private organisations is not applicable to him. Further, since the impugned order has been passed on several grounds, it is not possible for this Court to speculate whether the same punitive measure would have been imposed if the petitioner's contention was accepted.

5. It is also clear from the averments made before this Court that the petitioner has certain explanations to the allegations made against him, which require to be considered.

6. In the aforesaid view, the impugned order is set aside and the matter is remanded to the concerned authority to decide afresh within a period of eight weeks from today after affording to the petitioner an opportunity to be heard and after having due regard to the decision of this Court in ***Meghdoot Security Services v. Director General of Resettlement*** (*supra*).

7. All rights and contentions of the parties are reserved.

8. The petition is disposed of. The pending application is also disposed of.

VIBHU BAKHRU, J

NOVEMBER 01, 2018
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