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

+ W.P.(C) 1159/2019

SHASHI KUMAR A SECURITY AGENCY ..... Petitioner

Through: Mr Abhay Kumar, Mr Saurabh  
Mishra and Ms Himanshu Pal Singh,  
Advocates.

versus

UNION OF INDIA & ORS ..... Respondents

Through: Mr Akshay Makhija, CGSC with Mr  
Aditya Goyal and Ms Saakshi  
Agrawal, GP for R-1 and R-2.  
Mr Nimit Mathur and Mr Divye Puri,  
Advocates for R-3.

**CORAM:**

**HON'BLE MR. JUSTICE VIBHU BAKHRU**

**ORDER**

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**04.02.2019**

**CM Nos.5238/2019 & 5239/2019**

1. Allowed, subject to all just exceptions.

**W.P.(C) 1159/2019 & CM No. 5237/2019**

2. Issue notice. Learned counsel for respondents nos.1 and 2 accepts notice.

3. The petitioner has filed the present petition, *inter alia*, impugning an order dated 19.12.2018 passed by respondent no.2 (Directorate General Resettlement – DGR), whereby the petitioner has been dis-empanelled from the active list of DGR empanelled security agencies under para 26(b) of the Memorandum dated 09.07.2012.

4. Mr Makhija, learned counsel appearing for respondent nos.1 and 2 submits that the said punitive action has been taken against the petitioner for violating paragraph 16 of the Office Memorandum dated 09.07.2012 inasmuch as the petitioner had been failed to pay the minimum wages as required.

5. It is seen that prior to passing of the impugned order, the petitioner was issued a show cause notice dated 20.11.2018, *inter alia*, alleging that the petitioner was “*in violation of paragraph 16 and 25 of the DGR OM*”. There was no specific allegation in the said letter that the petitioner had failed to pay the minimum wages or the material on the basis of which such allegation was made. It is well settled that the purpose of issuing a show cause notice is to enable the noticee to meet the case set up against him. In the present case, this Court is unable to accept that the show cause notice indicated the case alleged against the petitioner with any clarity.

6. The impugned order is also cryptic and does not indicate as to why the punitive action has been imposed. There is no finding in the impugned order that the petitioner had failed to pay the minimum wages to its employees. In view of the above, the impugned order is set aside. However, it is clarified that the DGR is not precluded from issuing fresh notice to the petitioner clearly indicating the relevant particulars of the allegation against the petitioner and to pass an appropriate order after affording the petitioner an opportunity to be heard.

**VIBHU BAKHRU, J**

**FEBRUARY 04, 2019/MK**