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

\+ W.P.(C) 1284/2019 & CM No. 5799/2019

COL. B. R. SRINATH (RETD.) ..... Petitioner

Through: Mr T. K. Joseph, Advocate.

versus

THE UNION OF INDIA AND ANR. ..... Respondents

Through: Mr Akshay Makhija, CGSC with Mr Abhishek Khanna, GP.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

O R D E R

% 06.02.2019

1. Issue notice. Learned counsel appearing for the respondents accepts notice.

2. The petitioner has filed the present petition, *inter alia*, impugning an order dated 17.01.2019 (hereafter 'the impugned order'), whereby the petitioner has been dis-empanelled from the list of active security agencies maintained by respondent no.2 (the Directorate General of Resettlement – DGR).

3. A perusal of the impugned order indicates that it has been passed on account of three violations. First, the petitioner has violated paragraph 23(b) and paragraph 11 of OM dated 09.07.2012 [being No. 28(3)/2012-D(Res-1)] as amended on 16.01.2013. Second, it is alleged that the petitioner's mobile phone had been switched off and he had not provided any other contact number. And third, that the petitioner had not come to the office of the DGR

to download Form 26AS as required.

4. It is seen from the record that the petitioner had explained that insofar as his mobile number is concerned, the same is unreachable because he operates from Bilaspur and the connectivity in the said city is not good. He further states that his landline had been disconnected on account of withdrawal of services by the service provider. He states that, nonetheless, he will provide the details of his landline number as well as another mobile number, which is operational.

5. Insofar as the petitioner's allegation that the petitioner has failed to download Form 26AS is concerned, it is seen that the petitioner had forwarded the password and user ID to the office of the DGR, so as to enable any official from DGR to download the Form 26AS from the website of the Income Tax Department.

6. Plainly, the action for dis-empanelment of the petitioner on account of his mobile number being not reachable or his failing to download Form 26AS, is highly disproportionate and not sustainable.

7. The only question that remains to be addressed is with regard to the petitioner's failure to furnish the returns as required under paragraph 23(b) of the OM dated 09.07.2012 (as amended on 16.01.2013).

8. In terms of the said paragraph 23(b) of the said OM, the petitioner is required to file six monthly returns of the persons on his roll. Mr Makhija, learned counsel who appears for the DGR states that the petitioner was operating from five locations but had supplied different returns of only one location. He points out that a show cause notice dated 02.11.2018 for the same was issued to the petitioner, however, no response was received. He

states that the said show cause notice is mentioned in the impugned order but does not find any mention in the present petition.

9. The learned counsel appearing for the petitioner submits that the said returns had been duly provided. However, according to the DGR, the returns provided were inadequate as it did not include the details of all locations. It is seen that there are no averment in the present petition with regard to the said issue. Surely, if there is any deficiency in furnishing the returns, the petitioner ought to be provided an opportunity to redress the same considering that there appears to be a controversy whether the said allegation was specifically put to the petitioner.

10. In this view, the petitioner is permitted to furnish all requisite returns as required, within a period of one week from today. The DGR is directed to examine the same within a period of one week, thereafter, and if the same is found to be in order, the petitioner's request for re-empanelment would be considered sympathetically within a further period of one week.

11. The petition is disposed of in the aforesaid terms. The pending application stands disposed of.

VIBHU BAKHRU, J

FEBRUARY 06, 2019
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