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

+ W.P.(C) 6216/2019

VIJAY PAL

..... Petitioner

Through: Mr. Yashpal Rangi and Mr. Buddha
Deo, Advocates

versus

GOVT OF NCT OF DELHI & ORS

..... Respondents

Through: Mr. Gaurav Dhingra, Advocate for
Respondent nos. 1 to 3

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

% **29.05.2019**

Vide the present petition, the petitioner seeks direction thereby quashing the order dated 10.06.2016 passed by the respondents, whereby the petitioner was dismissed from service.

He further seeks direction thereby quashing the order dated 19.03.2019 passed by the respondents, whereby the respondents declined to entertain the representation of the petitioner and consequently, directing the respondents to reinstate the petitioner in service as Civil Defence Volunteer with all consequential benefits including arrears etc.

On perusal of the order dated 10.06.2016, it is stated that a show cause notice dated 07.06.2016 was issued to the petitioner, but he did not file the reply of the same, therefore, vide order dated 10.06.2016, he was dismissed from the service.

As per RTI information, the show cause notice was never served upon

the petitioner, therefore, neither he could file reply to the show cause notice, nor appeal to the order dated 10.06.2016. After coming to know about the dismissal order dated 10.06.2016, the petitioner made a representation dated 22.06.2016 and thereafter, 05.03.2019, same was rejected on the ground that the appeal was to be made within 30 days.

Accordingly, the petitioner could not file the statutory appeal which is available against the order dated 10.06.2016.

Without going into the merits of the case, I hereby dispose of the present petition with liberty to the petitioner to file statutory appeal within two weeks against the order dated 10.06.2016 which shall be considered by the respondents on merit within three weeks thereafter, without making any objection of the delay in filing the appeal.

The decision taken shall be communicated to the petitioner within one week thereafter. If the petitioner is still aggrieved by the decision taken by the respondents, he is at liberty to challenge the same before the appropriate Forum.

The petition is, accordingly, dismissed.

Dasti.

SURESH KUMAR KAIT, J

MAY 29, 2019

rhc