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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **W.P.(C) 12015/2019 and CM APPL. 49201/2019 (STAY)**

**MUKESH KUMAR**

..... Petitioner

Through: Mr. Piyush Sharma, Adv.

versus

**THE UNION OF INDIA AND ORS**

..... Respondents

Through: Mr. Akshay Amritanshu & Mr.  
Shubham Saurav, Advs. for UOI.  
Ms. Sunita Ojha, Adv.

**CORAM:**

**JUSTICE S.MURALIDHAR**

**JUSTICE TALWANT SINGH**

**ORDER**

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**23.12.2019**

1. Counsel for the Respondent informs the Court that the Petitioner's suspension has been lifted. It will be open to the Petitioner, if aggrieved by the final orders in the enquiry, to seek appropriate remedies in accordance with law.

2. In view of the above development, the challenge to the validity of Rule 40 (5) of the ITBP Rules is left open to be considered in an appropriate case.

3. The petition and the pending application are disposed of.

**S.MURALIDHAR, J.**

**TALWANT SINGH, J.**

**DECEMBER 23, 2019/nk**