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

\+ W.P.(C) 5027/2020 & CM APPL. 18098/2020

ROHIT AND OTHERS ..... Petitioners

Through: Mr.Om Prakash Saxena, Ms.Usha Saxena, Mr.Ravinder Aggarwal and Mr.Naveen Kumar Sharma, Advocates

versus

UNION OF INDIA AND ANOTHER .....Respondents

Through: Mr.Dev P. Bhardwaj, CGSC for UOI/Respondents
Ms.Rupali Kapoor, G.P.

**CORAM:**
**HON'BLE MR. JUSTICE J.R. MIDHA**
**HON'BLE MR. JUSTICE BRIJESH SETHI**

**O R D E R**

% **06.08.2020**

1. The hearing has been conducted through video conference.

**CM APPL. 18099/2020**

2. Allowed, subject to all just exceptions with the condition that as and when the Courts resume normal working, the attested affidavits will be filed and requisite court fee will be paid within 05 days.

**W.P.(C) 5027/2020**

3. The petitioners have challenged the show cause notices dated 08th July, 2020 whereby they have been asked to show cause as to why they should not be terminated. The petitioners have been provided one

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month to give the explanation. The petitioners submitted their reply to show cause on 31st July, 2020. One month period is expiring on 07th August, 2020 and the petitioners apprehend that they would be terminated from services. The petitioners are seeking an injunction against their termination from the post of Constables (General Duty).

4. This Court is of the *prima facie* view that this writ petition is pre-mature and is not maintainable against the show cause notices issued by respondent No.2.

5. At this stage, learned counsel for the petitioner submits that the petitioners be afforded an opportunity of personal hearing before passing an order on the show cause notices. It is further submitted that the petitioners be granted 10 days' time to avail appropriate legal remedies after service of the order that would be passed in respect of the show cause notices.

6. Issue notice on the alternative oral prayer made by learned counsel for petitioners. Learned counsel for the respondents accepts notice.

7. This Court is satisfied that the petitioners are entitled to an opportunity of hearing in terms of the principles of natural justice. The petitioners' prayer for 10 days' time to avail legal remedies after passing of the order is also fair and justified.

8. The writ petition is partially allowed in respect of the oral prayer made by counsel for the petitioners at the time of the hearing. The respondent No.2 shall afford an opportunity of personal hearing to the petitioners in respect of the show cause notices dated 08th July, 2020. The respondent No.2 is at liberty to pass an appropriate order after affording an opportunity of personal hearing. However, the respondent shall

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implement their order after 10 days' from the service of the order on the petitioners. Respondent No.2 shall permit the petitioners to consult their lawyer on mobile or through video conference.

9. Learned counsel for the petitioners submits that the petitioners are presently in the Commandant Office at Champawat. In that case, respondent No.2 is at liberty to personally serve the notices for personal hearing as well as the order that would be passed after hearing the petitioners.

10. If the petitioners refuse to accept notices for hearing and/or order, the respondent No.2 shall send the same by email to counsel for the petitioners.

11. It is clarified that this Court has not examined the petitioners' case on merit and nothing recorded herein shall be construed as an expression on the merit of the case.

12. Pending application is disposed of.

13. The order be uploaded on the website of this Court forthwith.

**J.R. MIDHA, J.**

**BRIJESH SETHI, J.**

**AUGUST 06, 2020**
**ds**

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