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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Judgment delivered on: 18.08.2023

+ W.P.(C) 10943/2023 & CM APPL. 42394/2023

ASI ASHOK KUMAR Petitioner

versus

UNION OF INDIA & ANR. Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. Salil Sabhlok & Ms. Japneet Kaur, Advocates
For the Respondents: Mr. Kavindra Gill, Senior Panel Counsel with Mr. Vivek Nagar,
Advocate/Government Pleader

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns notice dated 10.08.2023 whereby petitioner has been asked to show cause as to why he should not be dismissed from the service.

2. Petitioner was appointed as a Constable in the year 1995. An FIR was got registered against petitioner and three others under Section 342/392/394/307 read with Section 34 Indian Penal Code & Section 27 Arms Act on 25.08.2011.

3. Pursuant to registration of an FIR, disciplinary proceedings were
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initiated against the petitioner and he was served with a charge-sheet. Thereafter, punishment of removal from service was awarded to him on 02.01.2013. Petitioner filed an appeal against the order of removal. The Appellate Authority vide order dated 26.02.20213 directed reinstatement of petitioner, subject to outcome of said criminal case.

4. Petitioner was convicted on 11.12.2013 in the above referred criminal case and sentenced to undergo rigorous imprisonment for a period of six months under Section 323 IPC and rigorous imprisonment for three years under Section 379 IPC.

5. Petitioner thereafter filed an appeal before the Punjab & Haryana High Court at Chandigarh. The High Court suspended the sentence of petitioner pending the appeal.

6. As per the show cause notice dated 10.08.2023, impugned herein, petitioner did not inform the department about the conviction order and is alleged to have also secured promotion to the next rank. He did not disclose about the conviction order in the declaration form filled up at the time of promotion.

7. Faced with the above facts, department has issued the show cause notice to petitioner on 10.08.2023.

8. Petitioner has approached this Court at the stage of show cause notice. Petitioner is at liberty to respond to the show cause notice and also impugn any adverse order if any passed on the show cause notice in accordance with law.



9. Consequently, we are of the view that no interference is called for at this stage. The petition is accordingly dismissed reserving the rights of petitioner to take all appropriate remedies in case any adverse order is passed against the petitioner on the show cause notice.

10. It is clarified that this court has neither considered nor commented upon the merits of the contentions of either party. All rights and contentions of parties are reserved.

SANJEEV SACHDEVA, J

MANOJ JAIN, J

AUGUST 18, 2023/dr

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