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* IN THE HIGH COURT OF DELHI AT NEW DELHI
Judgment delivered on: 01.11.2023
+ **W.P.(C) 11021/2023 & CM. APPL. 42780/2023**

SAJJAN SINGH SHEKHAWAT

..... Petitioner

Versus

UNION OF INDIA AND ORS.

..... Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. Nikhil Bhardwaj, Advocate.

For the Respondents: Mr. Sonal K. Singh, Senior Panel Counsel for UOI with
Ms. Vidhi Gupta and Mr. R. Sharma, Advocates

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE DHARMESH SHARMA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks setting aside of penalty order dated 15.03.2021. One of the contentions of learned counsel for petitioner is that the order has not been confirmed by the reviewing authority.

2. This is disputed by learned counsel appearing for respondents, who submits that the order annexed as Annexure P-1 shows that the same has been counter signed by the reviewing authority and as per the procedure, once the same is counter signed, the same is deemed to have been considered and approved by the competent authority. He further raises an objection that petitioner has the remedy of filing an appeal under Section 131 of the Indo-Tibetan Border Police Force Act, 1992.



3. Learned counsel for petitioner submits that petitioner was under an impression that a speaking order has to be passed by the reviewing authority and it is for the first time, petitioner has now learnt that the counter signing by the reviewing authority is treated as sufficient compliance by the respondents. He accordingly prays that the petitioner be now permitted to file a statutory appeal and the delay in filing the statutory appeal be condoned.

4. In view of the above, this petition is disposed of permitting the petitioner to file an appeal under Section 131 of the Indo-Tibetan Border Police Force Act, 1992. In case the appeal is filed within a period of four weeks from today, respondents shall not reject the same on the ground of limitation and shall consider the same in accordance with the rules.

5. It is clarified that this Court has neither considered, nor commented upon the merits of the contentions of either party. It would be open to the petitioner to avail of any further remedy in case petitioner is aggrieved by the order passed on the appeal.

SANJEEV SACHDEVA, J

DHARMESH SHARMA, J

NOVEMBER 01, 2023/NA