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

Judgment delivered on: 26.09.2023

+ W.P.(C) 12723/2023 & CM APPL. 50191-92/2023

CT GD MUKESH KUMAR MISHRA Petitioner

versus

UNION OF INDIA AND ORS Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. Ajeet Yadav, Mr. Pradeep Shukla, Mr. Bikram Shah and Mr. M.M. Gaur, Advocates.

For the Respondents: Ms. Anju Gupta & Mr. Abhishek Gupta, Advocates for UOI.
Mr. Sudhanshu Kumar, DIG with Harendra Singh, SSB

CORAM:
HON'BLE MR. JUSTICE SANJEEV SACHDEVA
HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks quashing of notice dated 01.09.2023 whereby petitioner has been directed to show cause as to why his services be not terminated on account of low medical category.

2. Learned counsel for the petitioner submits that petitioner had sustained an injury while returning home from a pilgrimage on account of a high voltage electric wire of 11000 volts falling on the



bus in which he was travelling leading to severe burns. Consequently, the right leg of the petitioner was amputated. However, since sustaining of injury in 2014, petitioner was continued in service and subsequently given the benefit of the “Rehabilitation of Disabled Force Personnel Policy” dated 29.06.2018 and has been continuing in service till date. He submits that subject show cause notice has suddenly been issued without any change in circumstances. Learned counsel submits that since petitioner is not well-versed in law, he could not give a detailed response/representation, however, a short representation has been filed. He submits that petitioner would like to file a detailed representation. He further submits that show cause notice dated 01.09.2023 was received on 11.09.2023 giving him 30 days’ time to file a representation.

3. Issue notice. Notice is accepted by learned counsel appearing for the respondent. With the consent of the parties, the petition is taken up for final disposal today.

4. Show Cause notice dated 01.09.2023 received on 11.09.2023 grants 30 days’ time to the petitioner to file a representation, though petitioner has already filed a representation, 30 days’ period from the receipt of notice has not yet expired and if calculated from the date of service of the notice, further 15 days are available to the petitioner.

5. Accordingly, we dispose of this petition with liberty to the petitioner to file a detailed representation with the concerned authority on or before 16.10.2023. Respondent would be at liberty to thereafter



dispose of the representation in accordance with law. In case any adverse order is passed against the petitioner, said order shall not be implemented for a period of two weeks to enable the petitioner to avail of such remedy as may be available in law.

6. Petition is accordingly disposed of in the above terms.
7. Order dasti under signatures of the Court Master.

SANJEEV SACHDEVA, J

MANOJ JAIN, J

SEPTEMBER 26, 2023

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