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

+ **W.P.(C) 2093/2024, CM APPL. 8694/2024**

LALIT MOHAN SINGH RANA Petitioner

Through: Mr. Abhay Kumar Bhargava, Mr. Satyarth Sinha and Mr. Chandana Debnath, Advocates.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Siddharth Khatana, SPC and Mr. Neeraj, SPC for UOI with Mr. Vedansh Anand, G.P. with Mr. Rudra Paliwal, Mr. Mahesh Kumar Rathore and Mr. Sanjay Pal, Advocates.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

13.02.2024

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1. This petition has been filed with the following prayer:-

“a. Issue a writ of certiorari or any other appropriate writ, order or direction, thereby calling for record and quash the impugned show cause notice dated 01.02.2024 issued by the IG/COMDR COT BSF ACY T/PUR, whereby service of the petitioner has been proposed to be terminated with effect from 28.02.2024.”

2. In effect, the petitioner is challenging a show cause notice dated 01.02.2024, wherein it is stated as under:-

“6. In view of the foregoing, Competent Authority considers that you are unfit for further retention in service as you are not likely to become an efficient member of the Border Security Force owing to your permanent medical unfitness and tentatively proposes to terminate your services w .e. f. 28 Feb 2024 under the provisions contained in Rule 10(2) of



BSF Rules, 1969, read with para-3(e) of the offer of appointment (reproduced below) issued to you vide FHQ BSF L/No. A.2/Sl(DE)/CAPFs Exam- 2020/Pers (Rectt)/BSF/2022/ 7788-8032 dated 22/10/2022.

3(e) - "Initially you will be on probation for a period of two years, which may be extended by the appointing authority for such further period or periods not exceeding one year for reasons to be recorded in writing. During the period of probation, if the appointing authority considers that you are not likely to become an efficient member of the Force due to any reason, your services can be terminated without assigning any reason or without any advance notice".

7. If you have anything to urge against the proposed action, you may do so within 15 days of receipt of this notice failing which it shall be presumed that you have nothing to urge in the matter and action to terminate your services as per BSF Rule 10(2) shall be initiated against you ex-parte."

3. The submissions of Mr. Khatana, learned counsel for the respondents is that the petitioner has submitted the reply to the show cause notice and the same is under consideration with the department.
4. If that be so, we close this writ petition to enable the respondents to pass a final order within six weeks as an outer limit.
5. It goes without saying that if any order is passed to the prejudice of the petitioner, the petitioner can seek such remedy as available in law.

V. KAMESWAR RAO, J

SAURABH BANERJEE, J

FEBRUARY 13, 2024/akc