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

+ **W.P.(C) 5506/2024**

KARTAR SINGH

..... Petitioner

Through: Mr. Abhay Kumar Bhargava, Mr.
Satyarth Sinha and Ms. Anaushika
Bajpai, Advocates.

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr. Chiranjiv Kumar, Advocate, Mr.
Prashant Rawat, GP and Mr. Jagat
Singh, Advocates.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

23.04.2024

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1. The petition has been filed by the petitioner with the following prayers:

*“(i) Issue a Writ of Mandamus or any other appropriate writ, order or direction thereby directing the respondents to not take any coercive action against the petitioner in furtherance of the show cause notice dated 26.03.2024 till adjudication of the reply dated 08.04.2024 furnished by the petitioner.
(ii) Pass any other order this Hon 'ble Court may deem fit.”*

2. In effect, the prayer made is that till such time a decision is taken on the show cause notice dated 26.03.2024, to which a reply has been given, no coercive action be taken against the petitioner.



3. An issue of jurisdiction has been raised by the counsel for the respondents on the ground that the authority who has issued the show cause notice is based in Assam. In this regard a reference is made to Rule 22 of the Assam Rifles Rules has been made.

“22. Termination of service on grounds of furnishing false or incorrect information at the time of appointment or enrolment.—The Central Government or the authority as the case may be, as specified in rule 17, may terminate the service of a person subject to the Act on grounds of furnishing false or incorrect information at the time of appointment or enrolment of that person in the service :

Provided that action under this rule shall not be taken without the competent authority giving the person concerned a show cause notice giving one month time to urge grounds, if any, in his defence, and his explanation being found unsatisfactory.”

4. A perusal of the said Rule makes it clear that the authorities to pass an order(s) are those who have been referred to in Rule 17 of the Rules.

5. We have been informed even if any order is passed to the prejudice of the petitioner, the appellate authority is also based in Assam.

6. Mr. Bhargava, submits that in view of Rule 22, as the Central Government is competent to take a decision, the petitioner has approached this Court. The plea is unmerited. This is for the reason that Rule 17 clearly refers to various authorities who can pass orders of termination in respect of officers/Subedar Major/Subedar/ Niab Subedar and enrolled person. The petitioner being a constable and as such an enrolled person, the competent authority is not the Central Government but the Commandant If that be so, this Court does not have the territorial jurisdiction to entertain this petition.



We dismiss the petition granting liberty to the petitioner to approach the Court of competent jurisdiction.

V. KAMESWAR RAO, J

RAJNISH BHATNAGAR, J

APRIL 23, 2024/ib