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

+ **CONT.CAS(C) 665/2024**

INSP/GD ANKIT KUMAR TYAGI

..... Petitioner

Through: Mr. Viveksheel & Ms. Deepshikha,
Advvs.
M: 95550909380
Email: legalvishwamitra@gmail.com

versus

SH. RAHUL RASGOTRA

..... Respondent

Through: Mr. Neeraj, SPC with Mr. Vedansh
Anand, Mr. Rudra Paliwal, Mr.
Mahesh Kumar Rathore & Mr. Sanjay
Pal, Advvs. for UOI.
M: 8700015764
Email: vedansh.gpoffice@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

29.04.2024

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1. The present petition has been filed alleging willful disobedience of the judgment dated 11th January, 2024 passed by Division Bench of this Court in *W.P.(C) No. 422/2024*.

2. By way of the aforesaid judgment, the following directions had been passed:

“xxx xxx xxx

2. The limited submission made by Mr. Vivek Sheel, learned counsel for the petitioner is that the respondent should decide the pre-confirmation petition dated January 6, 2023 preferred by the petitioner against the final order dated December 23, 2022 of the General Force Court in a



time bound manner.

3. Learned counsel for the respondent who appears on advance notice states that the same shall be decided within three months from today.

4. If that be so, taking the submission made by the learned counsel for the respondent on record, we grant three months time as an outer limit for the respondent to decide the pre-confirmation petition dated January 6, 2023.

xxx xxx xxx”

3. The present petition has been filed, since it is the case of the petitioner that the pre-confirmation petition dated 06th January, 2023 preferred by the petitioner, has still not been decided.

4. Per contra, learned counsel appearing for the respondent on advance notice, has handed over a copy of the E-mail dated 23rd April, 2024 issued by the Deputy Commandant 39th Battalion, ITB Police, thereby intimating that the pre-confirmation petition of the petitioner had been decided.

5. Copy of the E-mail dated 23rd April, 2024, has been handed over in the Court by learned counsel appearing for the respondent, which is taken on record. The said E-mail dated 23rd April, 2024 reads as under:

*“To: SHQ (DELHI)
FM: 39TH BN, ITBP
NO. 23808 DATED: 23/04/24*

IN CONTINUATION OF 39TH BN LETTER NO. 2376-79 DATED 23.04.2024, IT IS TO INFORM THAT JAG, BRANCH, DTE GENL VIDE MEMORANDUM NO.623 DATED 19.04.2024 (RECEIVED ON 23.04.2024) HAS INTIMATED THAT DIRECTOR GENERAL, ITBPF BEING THE CONFIRMING AUTHORITY, HAS RECORDED THE FOLLOWING MINUTES IN THE PROCEEDINGS:-

“I confirm the findings of “Guilty” arrived at by the General Force Court on the first second, third and fourth charges. I also confirm the sentence awarded by the General Force Court by paraphrasing



is as given below:-

- i. To take rank and precedence as if his appointment (promotion) as Inspector (GD) bore the date, the 14th day of July, 2022.*
- ii. Severe reprimand.”*

2. IT IS ALSO INTIMATED THAT THE GFC PROCEEDINGS (IN ORIGINAL & DUPLICATE) HAS BEEN SENT TO 58TH BN, ITBP FOR PROMULGATION TO NO. 110120259 INSP (GD) ANKIT KUMAR TYAGI (*) FOR INFO PSE (*)

(Vinod Kumar Deriwal)
***DY. COMDT. (GD)/ADJUTANT
FOR COMMANDDANT
39TH BN, ITB POLICE”***

6. Perusal of the aforesaid E-mail shows, that by way of the aforesaid communication, the petitioner has only been informed, that his pre-confirmation petition has been decided vide Memorandum No. 623 dated 19th April, 2024. Thus, it is directed that the Memorandum dated 19th April, 2024 issued by the JAG Branch of the respondent, shall be communicated to the petitioner, through the learned counsel for the petitioner on the E-mail which is reflected in today's order.

7. The petitioner is at liberty to challenge the aforesaid Memorandum No. 623 dated 19th April, 2024 issued by the respondent in appropriate proceedings, if he is aggrieved by the same.

8. With the aforesaid directions the present petition is disposed of.

MINI PUSHKARNA, J

APRIL 29, 2024/kr