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

+ **W.P.(C) 10650/2022, CM APPL. 30885/2022- Stay**

SANTOSH KUMAR

..... Petitioner

Through: Ms. Saahila Lamba, Advocate

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr. N. K. Aggarwal, SPC with Ms.
Kamlesh Rani, JAG

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

28.02.2024

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

(i) Issue a writ of certiorari quashing show cause notice dated 09.04.2022 issued by the respondents seeking to terminate the services of the petitioner under Rule 22 of the Indo- Tibetan Border Police Force Rules, 1994

(ii) Pass any such other orders as it may deem fit to this Hon'ble Court in the facts and circumstances of the case.

2. The submission of Mr. Aggarwal, learned counsel for the respondents is that the challenge is only to a Show Cause Notice dated April 9, 2022 issued under Rule 22 of the Indo-Tibetan Border Police Force Rules, 1994 and as such the petition is not maintainable.



3. We note that the petitioner has filed a reply to the Show Cause Notice. It appears that a final decision has not been taken in view of the order passed by this Court on July 15, 2022.
4. Though Ms. Lamba would contest the issuance of the Show Cause Notice on the ground that earlier also the respondents have issued similar Show Cause Notices /sought explanation from the petitioner and as such there is no reason to issue further Show Cause Notice, we are of the view that leaving the right of the petitioner to take all the objections with regard to the impugned Show Cause Notice in the additional reply to the Show Cause Notice to be filed within four weeks open, the Competent Authority shall consider the replies and decide the Show Cause Notice within a period of eight weeks thereof. It goes without saying if the petitioner is aggrieved by the order to be passed, liberty shall be with the petitioner to seek such remedy as available in law.
5. The petition is disposed of.

V. KAMESWAR RAO, J

SAURABH BANERJEE, J

FEBRUARY 28, 2024/akr