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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 11462/2024

CONSTABLE SUMAN DEBNATH

.....Petitioner

Through: Mr. Dinesh Chander Yadav, Adv.

versus

UNION OF INDIA AND ORS.

.....Respondents

Through: Ms. Suruchi Mittal, SPC with Mr.
Rahul Kumar Sharma, Adv. with Mr.
Janak Raj, Insp. SSB.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

05.09.2024

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1. The petitioner has approached this Court under Article 226 of the Constitution of India assailing the order dated 17.02.2022 vide which he has been invalidated from service and is drawing pension by way of service element as also disability element on account of the 88% disability from which he was found to be suffering at the time of his invalidation from service.
2. Learned counsel for the petitioner submits that since the petitioner despite being in low medical category since 2007 was retained in service till February 2022, the respondents ought to have taken a sympathetic view and considered retaining the petitioner till he reaches the age of superannuation.
3. After some arguments, he submits that, since the petitioner has approached this Court without making a representation to the respondents in this regard, he may be granted leave to withdraw the present petition with



liberty to first approach the respondents by way of a representation. He, however, prays that the respondents be directed to consider the said representation sympathetically and not reject the same on the ground of delay.

4. Issue notice. Learned counsel for the respondents accepts notice and submits that in case a representation is made by the petitioner, the same will be considered in the time as may be granted by this Court.

5. In the light of the aforesaid stand taken by the parties, the writ petition is disposed of as not pressed by granting liberty to the petitioner to move a representation to the respondents within a period of four weeks, which representation will be disposed of by the respondents within a period of eight weeks from the date of receipt of such representation by passing a reasoned and speaking order. In case the petitioner is still aggrieved, it will be open for him to seek legal recourse as permissible in law.

REKHA PALLI, J

SHALINDER KAUR, J

SEPTEMBER 5, 2024
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