



2024:DHC:9356-DB



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IN THE HIGH COURT OF DELHI AT NEW DELHI***Date of decision: 03.12.2024***

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W.P.(C) 16639/2024 & CM APPL. 70372/2024**CONSTABLE VIJAY KUMAR****.....Petitioner****Through: Mr.J.Rajesh, Mr.Jaitegan
Khurana, Mr.Aslan Ahmed,
Adv.****versus****UNION OF INDIA AND ORS.****.....Respondents****Through: Mr.N.K. Aggarwal, SPC,
Mr.Amit Acharya, GP,
Ms.Sanjana Antil, Adv.****CORAM:****HON'BLE MR. JUSTICE NAVIN CHAWLA****HON'BLE MR. JUSTICE GIRISH KATHPALIA****NAVIN CHAWLA, J. (Oral)**

1. This petition has been filed by petitioner praying for the following reliefs:

“a. Issue a Writ of Certiorari and/or an appropriate writ/order/direction of a similar nature, quash and set aside the Court of Inquiry dated 21.07.2023 and the findings dated 30.07.2023 and the opinion dated 30.07.2023 prepared by the Respondent; AND

b. Issue a Writ of Certiorari and/or an appropriate writ/order/direction of a similar nature, quash and set aside the Show Cause Notice for Retirement on grounds of physical unfitness dated 07.11.2024

c. Issue a Writ of Mandamus and/or an appropriate writ/order/direction of a similar nature, to grant disability pension to the petitioner.”



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2. As far as findings of the Court of Inquiry are concerned, the respondents are yet to pass an order based thereon. Similarly, only a Show Cause Notice has been issued in response to which the petitioner has made a detailed representation. In case the petitioner is aggrieved of the decision that may be taken by the respondents, it shall be open to the petitioner to challenge the same in accordance with law.
3. We are, therefore, of the opinion that the present petition at this stage is premature in nature.
4. We dispose of the present petition by directing the respondents to consider the representation of the petitioner and pass a speaking order thereon. We make it clear that in case the order so passed is adverse to the interest of the petitioner, it shall be open to the petitioner to challenge the same in accordance with law.
5. At this stage, the learned counsel for the petitioner submits that the petitioner is completely blind and should be referred to the Blind School run by the BSF, so that he can at least have some other training that would help him sustain himself. The respondents shall also consider this prayer of the petitioner and take necessary action thereon.
6. The petition and the application are disposed of in the above terms.

NAVIN CHAWLA, J

GIRISH KATHPALIA, J

DECEMBER 3, 2024/Arya/DG

Click here to check corrigendum, if any