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

+ W.P.(C) 1094/2025 & CM APPL. 5386/2025

NAVEEN KUMAR

.....Petitioner

Through: Mr. Ajit Kakkar, Advocate.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr. Gaurav Barathi, SPC for R-1
with Mr. Chetan Jadon, Advocate.
Ms. Richa Kapoor, Ms. Udipti
Chopra & Mr. Kunal Anand,
Advocates for R-2 to 4.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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29.01.2025

1. By way of this petition under Article 226 of the Constitution, the petitioner assails an order dated 18.01.2025, by which the respondent No. 2-Food Corporation of India [“FCI”] has “summarily terminated” his appointment as Assistant Grade-III [Depot].
2. The controversy between the parties concerns the petitioner’s eligibility for appointment in the category reserved for ex-serviceman, who had incurred a disability [ESM 2]. The issue pertains to the interpretation of the advertisement under which the petitioner was recruited, and the applicability and interpretation of office memorandum dated 15.12.1979 issued by the Department of Personnel and Training.
3. In the course of hearing, Ms. Richa Kapoor, learned counsel for



respondent Nos. 2 to 4, who appears on advance notice, submits upon instructions, that FCI will reconsider the order of termination having regard to all the facts and circumstances of the case, and after giving the petitioner a hearing before the competent authority, following which a fresh order will be passed, if the FCI proposes to take any action against the petitioner.

4. This course of action is also acceptable to Mr. Ajit Kakkar, learned counsel for the petitioner, who reserves the rights and contentions of the petitioner, in the event an adverse order is passed.

5. Having regard to the above, the order dated 18.01.2025 is set aside, with the consent of learned counsel for the parties, and FCI is directed to reconsider the matter by treating the writ petition as a representation. A fresh order will be passed after giving the petitioner an opportunity of hearing before the competent authority. In the event the order is adverse, it will not be given effect for a period of two weeks after it is passed.

6. The writ petition, alongwith the pending application, is disposed of in these terms.

PRATEEK JALAN, J

JANUARY 29, 2025

'pv/AD'/'