

(2022) 09 DEL CK 0053

In the Delhi High Court

Case No : Civil Writ Petition No. 12749 Of 2022

Rajneesh Lamba

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 05-09-2022

Acts Referred:

Sashastra Seema Bal Rules, 2009 — Rule 19
Sashastra Seema Bal Act, 2007 — Section 10

Citation : (2022) 09 DEL CK 0053

Hon'ble Judges : Suresh Kumar Kait, J;Saurabh Banerjee, J

Bench : Division Bench

Advocate : Ankur Chhibber, H.S. Tiwari, ?ikunj Arora, Arjun Mahajan, Janak Raj, Gokul Sharma

Final Decision : Disposed Of

Judgement

CM APPL. 38736/2022 (exemption)

1. Allowed, subject to just exceptions.
2. The application is accordingly disposed of.

W.P.(C) 12749/2022 & CM APPL. 38735/2022 (stay)

3. Vide the present petition, the petitioner is seeking quashing of the show cause notice dated 20.05.2022 served upon him by the respondents for termination of his services by invoking powers under Section 10 of the SSB Act, 2007 read with Rule 19 of the SSB Rules, 2009 or any such order which may be passed by the respondents in pursuance of the said Show Cause Notice.

4. The case of the petitioner is that vide the show cause notice dated 20.05.2022 issued by Inspector General (Pers), Sashastra Seema Bal, New Delhi has observed as under:

"6. NOW THEREFORE, you are hereby supplied with all relevant documents (enclosed) and called upon to submit in writing your explanation and defence in

respect of the above allegation by 20th June, 2022 as to why action to terminate your service for misconduct should not be initiated against you under Rule 19 of SSB Rules, 2009. In case, you fail to file any reply within the stipulated period, it shall be presumed that you have nothing to put forth in your defence and action to terminate your services as per the said SSB Rules, 2009 shall be initiated against you ex-parte.”

5. Thereafter, the petitioner submitted his reply dated 05.07.2022 to the said show cause notice, however, till date no decision has been taken by the respondents.

6. Keeping in view the averments made in the present writ petition and the submissions of learned counsel for petitioner, we hereby direct the respondents to consider the said reply dated 05.07.2022 and reach at a decision within four weeks. If the decision is taken against the petitioner after considering the said reply, respondents shall not give effect to the said decision for a week from the date of the decision.

7. Needless to say that if the petitioner still feels aggrieved by the said decision taken by the respondents, he may challenge the same before the appropriate forum.

8. With the aforesaid directions, the present petition and pending application are disposed of.