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

% *Date of decision: 17th February, 2023*

+ **W.P.(C) 2140/2023**

CT/CD SIDDANT SINDHU Petitioner
Through: Ms. Chhavi Yadav & Mr. Ajit
Kakkar, Advocates.

versus

UNION OF INDIA AND ORS. Respondents
Through: Mr. Sushil Raaja, Sr. Panel
Counsel with Mr. Siddhant
Gupta, Govt. Pleader for UOI.

CORAM:
HON'BLE MR. JUSTICE SURESH KUMAR KAIT
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

1. *Vide* the present petition, the petitioner is seeking following reliefs:
“(a) To pass a writ of certiorari to set aside order no. CISF/DMRC/VIOLET-II/DSIC/UR-37/S.S/2022-2235 dated 23.07.2022.
(b) To pass a writ of Mandamus Or any Appropriate Writ, Order of Direction Directing Respondents No To Take Any Further Adverse Action Against The Petitioner.”
2. Learned counsel appearing on behalf of the respondents on advance notice informs this Court that against the impugned Order dated 23.07.2022, the petitioner has filed appeal in September, 2022, however, the said appeal is pending consideration, thus the present petition is premature.

NEUTRAL CITATION NO: 2023/DHC/001181

3. Learned counsel for the petitioner does not dispute the filing of the appeal by the petitioner, however, she submits that the said appeal has been returned *vide* Order dated 21.11.2022. A Show-cause Notice dated 15.12.2022 has been issued against the petitioner.

4. The decisions so taken *vide* Order dated 21.11.2022 and thereafter, *vide* Order dated 15.12.2022, in our considered opinion, are not proper and not as per law on the ground that if the petitioner had made an Appeal which was not before the Competent Authority, it was the duty of the respondents to send the said appeal to the Competent Authority.

5. Accordingly, we hereby dispose of the present petition directing the respondents to send the appeal of the petitioner to the Competent Authority and the said Authority shall decide the same within four weeks from today. Decision so taken shall be communicated to the petitioner in writing within one thereafter.

6. It is made clear that pursuant to the appeal filed by the petitioner, no coercive steps shall be taken against the petitioner.

7. Accordingly, the present petition is disposed of.

(SURESH KUMAR KAIT)
JUDGE

(NEENA BANSAL KRISHNA)
JUDGE

FEBRUARY 17, 2023

S.Sharma