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

+ W.P.(C) 16795/2022

NO. 100098774 EX. SUB INSPECTOR VISHAL KUMAR
PANDEYPetitioner

Through: Petitioner in person.
versus

UNION OF INDIA AND ORSRespondents
Through: Mr. Akash Vajpai, CGSC.

CORAM:
HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE
HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **22.07.2026**

1. We have heard this matter at length on the last date, *i.e.*, 20th July, 2026.
2. The petitioner was dismissed from service pursuant to a show-cause dated 20th May, 2020, and we had recorded that the show-cause notice was responded to by the petitioner through registered post-AD and by e-mail.
3. The show-cause notice was replied by the petitioner through registered post-AD, which according to him was forwarded on 22nd May, 2020. Whereas, through e-mail, the said reply was sent on 23rd May, 2020.
4. The reply which was sent by the petitioner through registered post-AD is informed to have been received through *dak* on 26th June, 2020. Whereas, it is the contention of the respondents that the e-mail was not operational because of the disturbance in the internet connection.
5. The relevant pleadings of the respondents *qua* the service of reply on the respondents to the show-cause notice reads thus:



“40. The content of Para 2.41 is denied. It is respectfully submitted by the answering Respondents that the Petitioner had forwarded the reply of the show cause notice vide his application dated 22.05.2020 through registered post. The reply of show cause notice was not received in stipulated time, i.e. after 30 days from the date of receipt of show cause notice. Due to non-receipt of reply of show cause notice, the Petitioner was dismissed by DIG, SHQ BSF Kupwara vide its order No. Estt/SHQ'K'/Disc/VKP(118 Bn)/ 2020/4827-32 dated 25.06.2020. The reply to show cause notice was received by the Respondent No. 02 and 03 on 27.06.2020, that is after dismissal of the Petitioner. Regarding receipt of reply of show cause notice through email. It is submitted that internet connectivity were normally disrupted due to inclement weather in Kashmir Valley.”

6. The order of dismissal is passed by the respondents on 25th June, 2020, by recording that the petitioner has not submitted the reply to the show-cause notice.

7. The aforesaid pleadings of the respondents about the receipt of the reply to the show-cause notice through e-mail states that the internet connectivity was normally disrupted due to inclement weather in Kashmir Valley. There is no specific stand taken by the respondents that through e-mail the reply was not received. This would have prompted us to form an adverse inference against the respondents as we could notice that such statement made by the respondents is intentionally incorrect (can also be inferred to be a false statement on oath).

8. Apart from above, once the petitioner within the shortest period of receipt of show-cause notice, has sent the reply by registered post-AD to the respondents on 22nd May, 2026, there hardly remains anything within the



control of the petitioner to ensure that the reply by registered post-AD will be delivered to the respondents within period of 30 days, as has been claimed by them. For the aforesaid default, which in our opinion, cannot be attributed to the petitioner, the respondents are trying to blame the petitioner.

9. Apart from above, we have a reason to presume that the reply was duly received by the respondents through e-mail and they intentionally avoided taking the same into consideration, perhaps with the intention to victimise the petitioner.

10. The respondents states that what has been stated in reply by him, was already dealt with in earlier documents viz Annexure P-20 and Annexure P-26. If we appreciate the aforesaid contention of the respondents, they are trying to put the cart before the horse. If every material was available with the respondents against the petitioner, then, if the aforesaid arguments of the respondents are tested, the issuance of the show-cause notice is just an empty formality.

11. Though, the learned counsel for the respondents has sought to demonstrate before us from the PDF page 125 about the past conduct and service history of the petitioner, so as to claim that he had a blemished service history, that by itself, in our opinion, won't impress this Court to do away with the principles of natural justice, thereby, observing that since the petitioner's conduct is not up to the mark, he does not deserve protection under Article 14 of the Constitution of India.

12. This would have led us to passing appropriate adverse orders against the office also, who has shown an incorrect affidavit.

13. However, upon the request made, we grant time till Friday, i.e., 24th July, 2026 to the respondents to take appropriate instructions and make



statement as to whether they are willing to withdraw the impugned dismissal order on their own and give an opportunity of hearing to the petitioner.

14. Re-notify on 24th July, 2026.

NITIN WASUDEO SAMBRE, J

AMIT SHARMA, J

JULY 22, 2026/bsr/db