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

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Date of Decision : 20.01.2026

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W.P.(C) 553/2026 & CM APPL. 2734/2026

SANJAY KHALI

.....Petitioner

Through: Mr Sudhir Nandrajog, Sr Advocate
with Mr Raghunath Pathak,
Advocate.

versus

UNION OF INDIA AND OTHERS

.....Respondents

Through: Mr Farman Ali, SPC, Ms Usha
Jamwal, GP and Mr Devender Singh,
JAG.

CORAM:**HON'BLE MR. JUSTICE V. KAMESWAR RAO****HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA****V. KAMESWAR RAO, J. (ORAL)**

1. This petition is filed by the petitioner with the following prayers:-

“a) Issue a Writ in the nature of certiorari or such other appropriate writ or orders quashing the Show Cause Notice bearing Number 8027 dated 22.12.2025 issued by the Commandant, 21st Battalion I.T.B.P as arbitrary, illegal and issued during the pendency of the matter before this Hon'ble High Court.

b) Transfer the petitioner from 21st Battalion I.T.B.P, Srinagar, Jammu & Kashmir to some other battalion so that the petitioner is not mentally harassed by the senior officers of 21st battalion.

c) Pass any such further order/order(s) as this Hon'ble Court may deem fit and proper in the circumstances of the



case”

2. In effect, the challenge of the petitioner is to the order dated 22.12.2025 passed by the respondents. The order dated 22.12.2025 being the show cause notice, paragraph no.5 thereof, *inter alia*, reads as under:-

5. अतः भा.ति.सी.पु.बल नियमावली 1994 के नियम 26(3) में निहित प्रावधानों के अन्तर्गत आपको इस नोटिस के माध्यम से अवगत कराया जाता है कि अगर आप उक्त इन्वैलिडेशन मेडिकल बोर्ड के निर्णय से सहमत/संतुष्ट नहीं हैं तो इस नोटिस के जारी होने की तिथि से 30 दिनों के अन्दर अपनी अपील कर सकते हैं, जिसमें चिकित्सा बोर्ड द्वारा व्यक्त राय के निर्णय की त्रुटियों का प्रथम दृष्टया साक्ष्य भी होना चाहिए। ऐसा साक्ष्य सरकारी चिकित्सक जोकि सिविल सर्जन के पद से पीछे का नहीं हो द्वारा दिया जाना चाहिए और इसमें यह विशिष्ट उल्लेख होना चाहिए कि उन्होंने अपना मत प्रकट करने से पूर्व चिकित्सीय बोर्ड के निर्णय को ध्यान में रखा है यदि आपके द्वारा अपनी अपील उक्त अवधि के अन्दर प्रस्तुत नहीं की जाती है, तो यह मान लिया जाएगा कि आप इन्वैलिडेशन मेडिकल बोर्ड (INVALIDATION MEDICAL BOARD) के निर्णय से सहमत हैं और आपको भा.ति.सी.पु.बल से कार्यमुक्त कर दिया जाएगा।

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3. On the last date of hearing, the submission on behalf of the petitioner was that the petitioner has not received the opinion given by the Invalidation Medical Board (IMB), because of which, the petitioner is unable to submit the appeal before the Appellate Board.

4. Today, the learned counsel for the respondents has placed before us the proceedings of IMB and a copy thereof has been given to Mr Sudhir Nandrajog, learned Senior Counsel for the petitioner. At this stage, Mr Nandrajog states that as the petitioner has received the copy of the IMB today, the petitioner shall proceed in accordance with para no.5 of the show cause notice, as reproduced above. Hence, 30 days must be counted from today and also till such time the appeal is filed before the Appellate Authority, the respondents should not take any coercive action.

5. Having noted the above submissions, we agree with the submissions made by Mr. Nandrajog. We grant liberty to the petitioner to file an appeal,



as is stated in paragraph no.5 of the above mentioned show cause notice.

6. It is made clear that the respondents shall not take any coercive action against the petitioner for the next 30 days, commencing from today. It goes without saying that on filing of such appeal before the Appellate Board, the Appellate Board shall consider the appeal in accordance with law/ relevant rules.

7. The petition along with pending application is disposed of.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

JANUARY 20, 2026

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