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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of decision : May 20, 2013

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W.P.(C) 3302/2013

PRAVEEN KARAN

..... Petitioner

Represented by: Mr.R.K.Saini, Advocate

versus

DELHI HIGH COURT & ANR

..... Respondents

Represented by: Mr.Chetan Lokur, Advocate for
Mr.Viraj R.Datar, Advocate for R-1
Ms.Mamta Tandon, Advocate for
Ms.Avnish Ahlawat, Advocate for R-
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CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MR. JUSTICE V. KAMESWAR RAO

PRADEEP NANDRAJOG, J. (Oral)

1. Undisputed position is that file of ID No.158/1989 titled 'M/s.Indu Electronics Vs. Secretary Labour & Ors.' was not traceable. This got detected when vide order dated December 12, 2005, the file was summoned by the Delhi High Court with respect to a writ petition filed by the management. The award disposing of ID No.158/1989 was passed by the Industrial Tribunal on March 16, 1998.

2. At the domestic inquiry, list Ex.DW-1/1, was admitted to have been prepared by the writ petitioner. He admitted that the Goshwara No.670/1998 was in his handwriting.

3. Evidence surface that no file as per said Goshwara Number was deposited in the record room.

4. Defence of the petitioner was that he prepared the list with reference to the rough list provided by the Ahlmad. The Ahlmad at that

stage was Sunita Devi. Petitioner and one Rajesh Kumar were the Assistant Ahlmads.

5. Evidence surface that Sunita Devi has consigned to the record room decided cases only up till December 1997. She was on maternity leave between January 04, 1999 to May 18, 1999.

6. Petitioner's defence that he prepared the list containing the Goshwara Number on the basis of a rough list provided to him by the Ahlmad could not be proved by him.

7. Suffice would it be to state that it is a finding of fact as to who was responsible for the file being lost. We find that the entire gamut of evidence has been duly considered not only by Inquiry Officer but even the Disciplinary Authority as well as the Appellate Authority.

8. The penalty imposed upon the petitioner is withholding of one increment with cumulative effect. We do not find the penalty disproportionate to the wrong. Regards the wrong, as noted above, there is evidence to sustain the verdict of guilt. Sitting in the writ jurisdiction we are not to re-appreciate the evidence.

9. The writ petition is dismissed in limine.

10. No costs.

PRADEEP NANDRAJOG, J.

V. KAMESWAR RAO, J.

MAY 20, 2013

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