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

+ W.P.(C) 8005/2015

% *Judgment dated 21st August, 2015*

VED PRAKASH Petitioner

Through : Ms.Malaya Chand, Adv.

versus

D D A Respondent

Through : Mr.Arun Birbal, Adv.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G.S.SISTANI, J (ORAL)

1. Present petition has been filed by the petitioner under Articles 226 and 227 of the Constitution of India seeking a direction to quash the order dated 10.8.2015 passed by Central Administrative Tribunal in O.A.No.2589/2015.
2. In this case, proceedings under Section 120-B of the Indian Penal Code read with Sections 7 and 12, Section 13 (2), 13(1)(d) of the PC Act 1988 were initiated against the petitioner. The petitioner was convicted and sentenced to Rigorous Imprisonment for three years in addition to fine of Rs.40,000/-. Upon being convicted the petitioner was compulsorily retired. Subsequently a show cause notice was issued to the petitioner stating as to why punishment awarded to him i.e. 'compulsory retirement from service, should not be enhanced to 'removal from service'.
3. The grievance of the petitioner is that a perusal of the Show Cause Notice would show that the Lieutenant Governor has already made up his mind to pass the order of dismissal. Another ground raised by counsel for the petitioner is that the notice of enhancement of punishment is patently barred by limitation.

4. Mr.Bibral, Advocate, enters appearance on behalf of the respondent on an advance copy and submits that the present petition is premature and the case cannot be entertained till the Lieutenant Governor passes the order. Additionally it is submitted that the purpose for issuing a show cause notice to the petitioner is to enable him to know as to what he has to answer and not that the Lieutenant Governor has made up his mind.
5. Heard counsel for the parties and also perused the impugned order and the show cause notice issued to the petitioner. We find force in the submission made by Mr.Birbal.
6. At this stage, we are informed that reply to the show cause notice has already been sent by the petitioner. In view of thereof, no further orders are required to be passed in the present writ petition. However, we have no hesitation in saying that the Hon'ble Lieutenant Governor would consider the reply to the show cause notice and thereafter pass a speaking order in accordance with law after granting a personal hearing to the petitioner. All the grounds raised by the petitioner in this petition are kept open.
7. Writ petition stands disposed of in view of above.

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8. Application stands disposed of in view of the order passed in the writ petition.
9. DASTI to the parties.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

AUGUST 21, 2015 msr