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

Date of Decision: October 28, 2015

+ W.P.(C) 9966/2015 & C.M. 24300/2015

ANU ANAND

..... Petitioner

Through: Mr. A.K. Behura, Mr. P.S.Singh &
Mr. Robin George, Advocates

versus

DELHI CANTONMENT BOARD

..... Respondent

Through: Mr. Sunil Satyarthi, Advocate

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

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Vide Representation of 22nd June, 2015 (*Annexure P-22*), petitioner had sought revocation of her Suspension Order of 3rd June, 2015. The Representation of petitioner stands cryptically rejected in Cantonment Board's proceedings of 26th June, 2015 (*Annexure P-23*). The rejection of Representation (*Annexure P-22*) reads as under:-

'Smt. Kavita Jain, Vice President, Delhi Cantonment Board requested the Board to consider the representation submitted by Smt. Anu Anand, CMO, Cantt General Hospital and she requested for revocation of her suspension order. The President Cantonment Board stated that the officer has been suspended on the charges of irregularities and office would be

issuing charge-sheet at the earliest and Smt. Anu Anand will be given full opportunity to put forth her averments before the Inquiry Officer and the Board as to wait till the outcome of Inquiry is known and till such time suspension orders cannot be revoked. The Board noted and approved the deliberations.”

Learned counsel for petitioner submits that departmental proceedings have commenced against petitioner on 1st September, 2015 without issuance of charge-sheet and vide impugned order of 31st August, 2015, petitioner's suspension has been extended for a period of 180 days w.e.f. 1st September, 2015 without justifying as to why the suspension of petitioner needs to be extended. According to learned counsel for petitioner, in the facts and circumstances of this case, there is no justification to extend the suspension of petitioner during the period of inquiry, which in all likelihood would be prolonged one because there are no chances of petitioner tampering with the evidence in the event of her suspension being revoked. Reliance is placed upon Apex Court's decision in *Ajay Kumar Choudhary Vs. Union of India & anr.* (2015) 7 SCC 291.

In the facts and circumstances of this case, it is deemed appropriate to direct respondent to treat this writ petition as Representation against impugned order (*Annexure P-1*) and to consider it in the light of Apex Court's decision in *Ajay Kumar Choudhary (supra)* and to decide it by passing a speaking order within a period of four weeks. The fate of the Representation be made known to petitioner within a week thereafter, so that petitioner may avail of the remedies, as available in law, if need be.

With aforesaid directions, this petition and application are disposed of.

Copy of this order be given *dasti* to counsel representing both the sides.

(SUNIL GAUR)
JUDGE

OCTOBER 28, 2015
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