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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 1649/2003

A.K. DAHIYA

..... Petitioner

Through: Mr. Samundra Sain, Mr. Prem Chand
and Ms. Vandana Sharma, Advocates

Versus

CHAIRMAN M.G.I. AND ORS.

..... Respondent

Through: Mr. Kush Sharma and Mr. Ekant
Luthra, Advocates for R-1.
Mr. Manish Kumar and
Mr. Raghwendra Pandey, Advocates
for R-2.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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30.09.2016

It is the petitioner's case that an amount of Rs.2,08,476/- has been recovered from him on account of the alleged irregular use of the staff car from his office to his residence. Although an amount of Rs.800/- per month was being paid to him as transport allowance, the learned counsel for the petitioner submits that the said monies were deducted on the basis of a letter issued by Mahatma Gandhi Institute of Integrated Rural Energy Planning and Development/respondent No.1 to respondent No.3. Neither of the two respondents accorded any opportunity to the petitioner to represent against any such recoveries of amount from his salary. The genesis of such an endeavour to recover monies lies in an audit report of respondent No.1

where the petitioner had served for a little while as the OSD and as an officiating Director. It is the petitioner's case that he was entitled to a staff car. Be that as it may, there is nothing on the record to show that prior to effecting any recovery from the petitioner, he was ever granted an opportunity of making a representation against the said letter issued by respondent No.1.

The Court is prima facie of the view that the said letter dated 8th November 2002 from respondent No.1 ought not be given effect to without the petitioner being given opportunity of being heard. Hence the said letter shall be kept in abeyance.

Respondent No.3 does not exist anymore. The learned counsel for the parties submit that the hearing will have to be granted by the Secretary concerned. Accordingly, since the monies have been effectively recovered by the Government of NCT of Delhi, hearing shall be accorded to the petitioner on 7th October 2016 by the Secretary, Department of Environment, GNCT Delhi who shall pass a reasoned order within four weeks from today. The writ petition shall be treated as a representation which shall be considered before the final order is passed.

The writ petition is disposed off in the aforesaid terms.

This aforesaid order shall not be considered as a final opinion on the merits of the case.

Order dasti under the signature of Court Master.

NAJMI WAZIRI, J

SEPTEMBER 30, 2016

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