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

+ **W.P.(C) 2846/2016**

**FOUNDATION FOR INFORMATION
AND TECHNOLOGY TRANSFER (FITT)**

..... Petitioner

Through: Ms. Meenakshi Arora, Sr. Advocate
with Mr. Rahul Narayan, Advocate.

versus

**CHIEF COMMISSIONER FOR PERSONS
WITH DISABILITIES & ANR.**

..... Respondents

Through: Ms. Shivalakshmi, CGSC with Mr.
Sriram Krishan, Advocate for R-1.

CORAM:

HON'BLE MR. JUSTICE V.P.VAISH

ORDER

% **01.04.2016**

C.M. Appl. No.11931/2016

Exemption allowed subject to all just exceptions.

The application stands disposed of.

W.P. (C) No.2846/2016 & C.M. Appl. No.11930/2016

1. The petitioner has filed the present petition under Articles 226/ 227 of the Constitution of India, *inter alia*, assailing the communication/ letter dated 29.02.2016 issued by respondent No.1.
2. Learned senior counsel for the petitioner submits that respondent No.2 was selected for the post of Executive Consultant (Technology Transfer and

IPR) and a contract of three years was signed by him w.e.f. 08th November, 2001. The contract was terminable by petitioner at any time by giving three months' notice in writing. However, the conduct of respondent No.2 was deplorable and his performance reviews were not good. The respondent No.2 was also given chance to improve his conduct but to no avail.

3. Learned senior counsel for the petitioner further submits that the contract of the respondent No.2 was not renewed by petitioner after expiry of the contractual tenure. Respondent No.2 filed a complaint under Section 47 of the The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (hereinafter referred to as the 'Distabilities Act'). Respondent No.1 dismissed the complaint vide order dated 02.12.2014 and it was held that the petitioner was not an establishment under Section 2(k) of the Disabilities Act and as a contract employee respondent No.2 was not entitled to protection under Section 47 of the Disabilities Act.

4. Learned senior counsel for the petitioner also submits that the respondent No.2 challenged the said order by filing writ petition bearing W.P.(C) No.8947/2014. The matter was mutually settled on the terms and conditions mentioned in letter dated 27.05.2015 and the said writ petition was disposed of vide order dated 27.05.2015.

5. Respondent No.2 filed a fresh complaint dated 01.02.2016 and respondent No.1 issued notice on the said complaint.

6. After some arguments, learned senior counsel for the petitioner submits that she may be permitted to withdraw the present petition as well as

application with liberty to raise all the pleas in reply to this impugned notice. She also submits that respondent No.1 may be directed to decide the complaint expeditiously.

7. Ms. Shivalakshmi, Advocate appearing on behalf of respondent No.1 on advance notice and submits that the complaint filed by the respondent No.2 will be decided within a period of two months.

8. Learned counsel for the petitioner submits that he is satisfied with the aforesaid and seeks permission to withdraw the petition and application.

9. As prayed, the petition as well as application are dismissed as withdrawn. However, the petitioner is directed to file reply to the complaint within one week from today and the respondent No.1 is directed to decide the complaint expeditiously and preferably within a period of two months in accordance with law.

V.P.VAISH, J

APRIL 01, 2016

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