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

+ **W.P.(C) 4208/2016**

BIRBAL SINGH

..... Petitioner

Through: **Mr. A.K. Bakht, Advocate**

versus

UNION OF INDIA AND ANR

..... Respondents

Through: **Mr. Jagjit Singh & Mr. Preetpal Singh, Advocates**

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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13.05.2016

Learned counsel for the petitioner submits that, in three identical cases, the respondents authorities did not take action against the delinquent employees and they have continued to remain in service.

We have considered the said contention, but are not inclined to issue notice, as the petitioner cannot plead negative equality.

In the present case, the petitioner was removed from service vide order dated 1st February, 2010 passed by the Deputy Chief Engineer. The said order is a detailed speaking order, which refers to the conviction of the petitioner in FIR No.28/1998, P.S.: Ganaur, Sonapat, Haryana under Section 304-A of the IPC. The said conviction was maintained by the Sessions Court and the High Court. However, the High Court reduced the quantum of punishment to the period already undergone.

It is stated that, at the time of the accident, the petitioner was driving the official vehicle, as a result of which, one person had died.

The order dated 23rd June, 2012 passed by the Deputy Chief Engineer takes into account various factors and thereafter the order of removal was passed. The first appeal was rejected, but in revision, vide order dated 20th July, 2011, the Additional General Manager revised the punishment awarded to compulsory retirement from the date of imposition of punishment.

The Tribunal has also examined the factual matrix and has affirmed the orders passed. We do not find any infirmity in the impugned orders passed by the disciplinary authority and the revisionary authority.

At this stage, Mr. Jagjit Singh, learned counsel for the respondents, states that the eviction proceedings have been initiated under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 and steps are being taken to evict the petitioner. He also states that the matter would be expedited.

The petition is dismissed.

SANJIV KHANNA, J

NAJMI WAZIRI, J

MAY 13, 2016
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