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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7546/2014 & CM No.17823/2014 (Stay)**

MUKESH KUMAR MEENA Petitioner
Through : Counsel (attendance slip not given)

Versus

**SOUTH DELHI MUNICIPAL
CORPORATION & ANR** Respondents
Through : Mr. Ajjay Aroraa and Mr. Munish
Malik, Advs. for SDMC.

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

ORDER
% **11.03.2016**

CM No.8979/2016 (Delay)

Delay in filing the rejoinder is condoned. Application is disposed of.

W.P.(C) 7546/2014

In CS No.1985/2014, petitioner was not a party. Respondent no.1 was the defendant in the said suit. Written statement was not filed by the respondent (defendant) despite opportunities granted to it. On 29th August, 2014, further time was sought to file the written statement, which was granted subject to, however, cost of ₹5,000/- to be paid by the respondent no.1. It was further ordered that cost be deducted from the salary of the Junior Engineer of the area concerned. Pursuant to this order of learned Additional District Judge, the respondent has passed an office order dated 24th October, 2014 thereby

directing the deduction of ₹5,000/- from the salary of the petitioner.

That is how the petitioner is before this Court.

It is submitted that petitioner was transferred to Najafgarh on 7th October, 2014. Further that written statement was to be filed by the Law Department in consultation with Building Department-II; whereas the petitioner was posted in Building Department-I. Petitioner was not connected in any manner with the filing of written statement. It is further submitted that before ordering for deduction of the cost from the salary of the Junior Engineer concerned, petitioner was not even heard, inasmuch as, no enquiry was made by the respondent to identify the person responsible for the delay.

Learned counsel for the respondent has not disputed the facts put forth by the petitioner's counsel, as noted above, inasmuch as, respondent supported the petitioner.

In my view, petitioner cannot be blamed for the delay since he was not, in any way, connected with the filing of written statement.

In the above facts, office order dated 24th October, 2014 is quashed.

Writ petition is disposed of. Miscellaneous application is disposed of as infructuous.

A.K. PATHAK, J.

MARCH 11, 2016/dk