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

+ W.P.(C) 10343/2016 and C.M. Nos.40684/2016 (stay) & 40685/2016
(exemption)

CHAIN PRAKASH

..... Petitioner

Through: Mr. Avinash Lakhanpal, Advocate.
versus

DIRECTORATE OF EDUCATION & ORS

..... Respondents

Through: Mr. Anuj Aggarwal, ASC with Ms.
Niti Jain, Advocate for respondent
Nos.1 and 2.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **24.11.2016**

1. This writ petition is disposed of with the consent order that so far as the transfer of the petitioner is concerned, the same is not challenged, but, the petitioner actually feels apprehension with respect to taking of 'appropriate action' against him as per the enquiry report dated 21.12.2015. It is however agreed that transfer of the petitioner will not affect the seniority of the petitioner from the date of his original services, in accordance with law.

2. I may note that the enquiry report with respect to appropriate action can only be for taking of appropriate action against the petitioner in

accordance with the applicable rules i.e issuing of charge-sheet and petitioner being allowed to contest the departmental proceedings. This is not disputed on behalf of the respondent nos.1 and 2. Respondent no.3 will also be bound by the applicable rules and guidelines for conducting of departmental enquiry, if initiated against the petitioner. Once any action against the petitioner, if any, will be in accordance with the rules, petitioner will have enough opportunity to rebut the stand in the charge-sheet or the aspects which are stated in the enquiry report dated 21.12.2015.

3. Writ petition and applications are disposed of accordingly.

VALMIKI J. MEHTA, J

NOVEMBER 24, 2016

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