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

+ **W.P.(C) 11368/2016**

GOVT. OF NCT OF DELHI

..... Petitioner

Through Mr. Sanjay Dewan, Ms. Palak
Rohmetra, Advocates.

Mr. Kapil Agnihotri, LA, Health and Family
Welfare Department.

versus

BHARAT B. SAGAR & ANR

..... Respondent

Through Ms. Jyoti Singh, Sr. Advocate with
Ms. Anu Bagai, Advocate.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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02.12.2016

Caveat No.1016/2016

Caveator is present and will be heard.

The caveat is accordingly disposed of.

W.P.(C) 11368/2016

The Government of NCT of Delhi impugns the order, which was passed more than a year back on 1st July, 2015 by the Principal Bench of the Central Administrative Tribunal in OA No. 19/2014.

2. The impugned order consists of two parts. Firstly, it has been held that the post of Occupation and Environmental Officer is a post in the Delhi

Health Service as per Delhi Health Service (Allopathy) Rules, 2009. The Tribunal on the said aspect has elaborately dealt with the issue and has affirmatively recorded that there is a specific post of Occupational and Environmental Officer in the said cadre. The respondent No.1 was also permitted and allowed to appear in the written examination and interview, which the said respondent had cleared. The initial recruitment to the said post was made along with the post of Occupational Endemiologist. The minimum qualification for the post of Occupational and Environmental Officer was Bachelor's degree in Medicine. The desirable qualifications as mentioned was minimum two years' experience in large industrial hospital and post graduate degree in clinical field. We do not see any justification and reason to interfere with the aforesaid finding.

3. The petitioners have filed the present writ petition because of the directions given in the penultimate paragraph of the impugned order. For the sake of convenience, we would like to reproduce the said paragraph and the last paragraph:-

“Nevertheless, before his regular appointment, the GNCT would verify the character and antecedents of the applicant and would seek clearance from Central Vigilance Commission and CBI, with reference to Communication No.011/DLH/059/ 132492 dated 16.06.2011.

The exercise should be completed, as expeditiously as possible, preferably within four months from the date of receipt of a copy of this order. No costs.”

4. Counsel for the respondent No.1, who is present on advance notice, has stated that the aforesaid directions permits and allows the Government of NCT of Delhi to verify the character and antecedents of the respondent No.1 and seek clearance from the Central Vigilance Commission and the Central Bureau of Investigation. If the petitioner finds respondent No.1 is fit, he should be appointed.

5. A reading of the order passed by the Tribunal would indicate that there are complaints of corruption against the respondent No.1. Further, the CBI has carried investigation relating to unauthorized purchase of medicines worth Rs.200 crores. The impugned order does not refer the said facts in detail.

6. Counsel for the petitioner submits that the respondent No.1 is still working with the petitioner and that they were under the apprehension that the directions given in the impugned order can be misread as directions to appoint the respondent No.1.

7. We would dispose of the writ petition by directing and clarifying that the impugned order does not impose any fetters or restrictions on the

petitioner when they examine and verify the character and antecedents of the respondent No.1. They are free to take any decision which they want to take in the facts and circumstances of the case. The decision would be theirs.

8. With the aforesaid observations and clarification, we disposed of the writ petition.

Dasti.

SANJIV KHANNA, J

CHANDER SHEKHAR, J

DECEMBER 02, 2016
NA/VKR