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

+ LPA 95/2016 & CM Nos. 5146-5148/2016

SHIVJI LAL

..... Appellant

Through: Mr. Vivek Kumar Tandon, Advocate
alongwith Mr. Sandeep S. Duggal,
Advocate.

versus

DELHI VIDYUT BOARD

..... Respondent

Through: Ms. Avnish Ahlawat, Advocate
alongwith Ms. Latika Choudhry,
Advocate.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

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12.02.2016

The present appeal impugns an order of the learned Single Judge dated 07.10.2015 by which the writ petition of the present appellant was rejected. The appellant had challenged the imposition of the penalty of removal for a misconduct found after his employer i.e. erstwhile Delhi Vidyut Board (DVB), ordered a departmental enquiry. The order of removal was challenged before the appellate authority that had rejected the present appellant's plea.

Briefly the facts of the case are that the appellant was working as Meter Reading Superintendent (MRS) in Delhi Vidyut Board. He had visited the premises of an industrial consumer on 27.12.1990 and furnished a report. The next day i.e. on 28.12.1990, a joint inspection

was carried out by a team of the DVB which found irregularities in the previous report of the appellant inasmuch as the consumer had a connected load, disproportionate to what was recorded in the previous inspection report on 27.12.1990. The joint inspection team revealed that even though the meter did not show any reading, the disc was moving and that electricity was consumed without meter. The DVB had relied upon – apart from the Joint Inspection Report dated 28.12.1990 upon the testimony of one S.D. Sharma (PW-4). The report also stated that the connection had been sublet to 5 other units.

The learned Single Judge rejected the appellant's contention. The impugned judgment noticed that a previous inspection had been carried out on 26.11.1990 when it was found that the meter was defective. That report also noted that there was no meter reading yet the disc was moving.

Learned counsel endeavoured to contend that there was no wrongdoing on the part of the appellant who did not observe that the connected load was more than the sanctioned load when he did inspect the premises. To establish this, he relied upon the inspection report drawn on 26.11.1990 and submitted that neither the said report nor the report on 27.12.1990 contained any noting that there was no electricity consumption in the premises.

This Court is un-persuaded by the submissions of the appellant. The joint inspection of 28.12.1990, was conducted very close on the heels of the previous days inspection by the appellant. It is inconceivable that the load of a magnitude of 200kw could have been installed with equipments overnight. Furthermore, this Court notices

that no attempt was made on the part of the appellant to involve the consumer who would have been in the best position to support his case if his plea in fact, had any factual foundation.

In view of the above discussion, it is held that this appeal is unmerited and is accordingly dismissed.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

FEBRUARY 12, 2016

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