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

+ W.P.(C) 2097/2017

J.P. MAHAJAN

..... Petitioner

Through: Mr. Neeraj Kumar Jha, Advocate.

versus

GOVERNING BODY (THROUGH ITS CHAIRMAN) & ANR

..... Respondents

Through: Mr. Mohinder J.S. Rupal, Advocate
for University of Delhi.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **06.03.2017**

1. The issue in the present case is the contention of the petitioner that after the age of superannuation, disciplinary proceedings could not have continued against the petitioner. Petitioner retired on 31.1.2017 although the show cause notice was issued against the petitioner on 26.3.2016 and petitioner replied to the same on 1.4.2016. Petitioner however has not filed any service rules of his employer/respondent no.1 which is working under the control of University of Delhi. It is only if the service rules would have been filed and which service rules would have shown that disciplinary

proceedings cannot continue after retirement of an employee, would at that stage the petitioner would have been able to contend that the disciplinary proceedings have lapsed on account of superannuation of the employee.

2. In view of the fact that writ petition does not make averments or necessary ingredients of cause of action by reference to service rules as to the position of the disciplinary proceedings post the superannuation of an employee, this writ petition is allowed to be withdrawn with liberty to the petitioner to file a fresh writ petition wherein the petitioner will lay out a complete cause of action supported by the service rules showing that disciplinary proceedings cannot continue against a superannuated employee in view of the applicable service rules of the respondent no.1.

3. Writ petition is accordingly disposed of with the aforesaid liberty.

VALMIKI J. MEHTA, J

MARCH 06, 2017
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