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

+ W.P.(C) 2520/2017

RAJIV JAIN

Through: Mr. Sanjeev Kumar Baliyan,
Advocate

..... Petitioner

versus

FINANCIAL COMMISSIONER DELHI AND ORS..... Respondents

Through: Ms. Aayushi Gupta, Advocate for
respondent Nos.1 and 2

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **20.03.2017**

CM No.10884/2017

Allowed, subject to all just exceptions.

The application is disposed of.

WP(C) No.2520/2017 & CM No.10883/2017

The petitioner has suffered the Award dated 29.7.1999 for Rs.14,19,952/-, with further interest @ 18% p.a. and penal interest @ 2% p.a. until realisation of the claim.

2. The facts, it may be noted, are rather peculiar, for bank account in the name of Arihant Enterprises, Loha Mandi, Narayana, New Delhi was

opened by Vijay Jain, an employee of Rajiv Jain, as proprietor of the said concern. As per the findings recorded, this account actually “belonged” to Rajiv Jain and he was also having a current account No.106 in the name of his other company, Jain Steels, Loha Mandi, Narayana, New Delhi, with the Cooperative Bank. Rajiv Jain had obtained a Letter of Authority dated 13.7.1992 from Vijay Jain to operate the account of Arihant Enterprises. Subsequently, Rajiv Jain issued cheques from his own concern, which were deposited in the account of Arihant Enterprises. Demand drafts and pay orders were issued to Arihant Enterprises, without awaiting clearance of these cheques, which were not honoured.

3. We may note that the petitioner was prosecuted for offences under Sections 420, 465, 120-B and 471 IPC and acquitted by the Metropolitan Magistrate. On the appeal being filed by the CBI, the petitioner was convicted under Section 120-B and Section 420 of the IPC. Revision preferred by the petitioner is pending in the High Court. The petitioner is on bail.

4. The petitioner had challenged the Recovery Notice and the Warrant of Arrest dated 16.5.2013 issued under Section 69 of the Punjab Land Revenue Act for recovery of the amounts due under the Arbitration Award. This

notice is for recovery of Rs.14,19,952/-. The impugned order dismissed the challenge to the Warrant of Arrest.

5. The contention of the petitioner that the Warrant of Arrest is barred by limitation, as the same has been issued after 12 years, after the Award dated 29.7.1999 was passed, is misconceived and has to be rejected. The petitioner had filed an appeal against the Award which was dismissed vide the order dated 6.7.2000 and thereafter the petitioner had filed WP(C) No.3738/2000, which was dismissed vide order dated 8.5.2001. The period of limitation is prescribed for setting the execution in motion and does not operate after the execution proceedings have been instituted. The contention is, therefore, misconceived. Once the execution proceedings were filed, the limitation would stop running.

6. The petitioner submits that another Warrant of Arrest, dated 13.1.2017, has been issued in which the total amount due and payable is Rs.8,57,329/-. He also submits that as per the CBI, an amount of Rs.4,76,555/- as on 3.3.2000 was due. This obviously refers to the principal amount and to this extent, learned counsel for the petitioner does not dispute to the said factum. The recovery or execution proceedings are in respect of the Award, which has attained finality. The amount quantified by the CBI is

irrelevant.

7. It is obviously open to the petitioner to point out and state that he has made payments or part payments. The impugned order does not call for any interference.

8. Learned counsel for the petitioner, in the morning, had stated that the petitioner was ready and willing to make the payments. We had passed over the matter to enable the learned counsel for the petitioner to obtain instructions. At 4:30 pm, when the matter is called out, learned counsel states that he has not received instructions.

9. In view of the aforesaid, we do not find any merit in the writ petition and the same is dismissed. CM No.10883/2017 is also dismissed.

SANJIV KHANNA, J

CHANDER SHEKHAR, J

MARCH 20, 2017

tp

\$~1

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

+ W.P.(C) 941/2016

UNION OF INDIA & ORS.

..... Petitioner

Through: Ms. Mrinalini Sen Gupta & Ms.
Sarita Panda, Advocates

versus

SAVITRI HANS

..... Respondent

Through: Mr. M.K. Bhardwaj & Mr. M.D.
Jangra, Advocates

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **20.03.2017**

CM No.10563/2017

Some typographical errors noticed in the order dated 13.1.2017 have been corrected and initialled in today's date. The corrected copy will be uploaded.

The order dated 13.1.2017 does not require any clarification.

The applicant had appeared as a partially qualified candidate in 2010, when she had cleared paper-III Allied Laws. Subsequently, she had cleared Paper-I – Income Tax Law and Computation in 2012 and Paper-IV – Income Tax & Accountancy in 2013.

In our order dated 13.1.2017, we had held that the applicant cannot be treated as qualified as an old pattern candidate, for she has failed to clear Paper-I- Income-Tax Law and Computation and Paper-IV- Income Tax & Accountancy in one single examination. This was mandatory for the old pattern candidates.

In view of the aforesaid position, we had allowed the writ petition and in the last para, had observed:-

“18. In view of the aforesaid discussion, we allow the present writ petition WP(C) No.941/2016 Page 9 of 9 and set aside the impugned order dated 28th April, 2015. OA No.1624/2014 filed by the respondent will be treated as dismissed. We would, however, clarify that it is for the respondent to decide as to whether she wants to appear as a partially qualified candidate or a normal candidate. In whichever category she chooses to apply, she would have to comply and abide by the rules, which are mandatory. There would be no order as to costs.”

It is, therefore, clear that the applicant had the option to appear as an old pattern candidate or as a normal candidate, as per her option. We have not expressed any opinion on whether, if she appears as a normal candidate, she will be entitled to the benefits of papers cleared by her in the years 2010, 2012 and 2013. This issue would abide by the Rules.

We have examined the letter dated 21.1.2017 and 18.2.2017 written by the applicant to the authorities. We would observe that the applicant

should not have referred to any oral observations, for these were remarks made during the course of hearing of the arguments and not a firm or conclusive mandate/finding.

With the aforesaid observations, we would hold that the application for clarification does not have any merit and should be dismissed.

Learned counsel for the applicant, however, submits that the applicant is confused and should be informed whether she would be entitled to benefit of papers cleared by her in the year 2010, 2012 and 2013, if she appears as a normal candidate. We would appreciate that the authorities, being a model employer, inform the applicant about the actual position and clarify her doubt.

With the aforesaid observations, the application is dismissed.

SANJIV KHANNA, J

CHANDER SHEKHAR, J

MARCH 20, 2017

tp

\$~8

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

+ **W.P.(C) 1826/2016**

ASHOK KUMAR Petitioner

Through: Mr. Padma Kumar, S., Advocate

versus

CHIEF SECRETARY, GOVT. OF NCT OF DELHI & ORS

..... Respondents

Through: Mr. Shiva Sharma, Advocate

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **20.03.2017**

Relist on 21.3.2017.

SANJIV KHANNA, J

CHANDER SHEKHAR, J

MARCH 20, 2017

tp

\$~26

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

+ **W.P.(C) 2504/2017**

ARUN KUMAR & ORS

..... Petitioners

Through: **Mr. Hari Nath Ram, Advocate**

versus

UNION OF INDIA & ORS

..... Respondents

Through: **Mr. Vijay Joshi, Advocate for
respondent Nos.1 and 2**

**Mr. S. Rajappa, Advocate for
respondent No.3**

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% 20.03.2017

Respondent No.3 will produce the Recruitment Rules on the next date
of hearing.

Relist on 13.4.2017.

SANJIV KHANNA, J

CHANDER SHEKHAR, J

MARCH 20, 2017

tp

\$~27

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

+ **W.P.(C) 2516/2017 &CM Nos.10876-77/2017**

DEV KUMAR Petitioner

Through: **Mr. H.S. Tiwari, Advocate**

versus

UNION OF INDIA AND ORS Respondents

Through: **Mr. Vikas Mahajan, CGSC**
Mr. Naresh Kaushik, Advocate for
UPSC

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% 20.03.2017

When the matter is called out on the second occasion, request for an adjournment is made by learned counsel for the petitioner on the ground that due to personal reasons, he had to leave the Court.

Relist on 24.3.2017.

SANJIV KHANNA, J

CHANDER SHEKHAR, J

MARCH 20, 2017/tp

\$~23

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

+ **W.P.(C) 2483/2017**

UNION PULBIC SERVICE COMMISSION Petitioner

Through: **Mr. Naresh Kaushik, Advocate**

versus

MUKESH KUMAR ROHILLA & ORS Respondents

Through: **Mr. Chiranjiv Kumar, Advocate for
respondent No.2**

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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20.03.2017

This issue appears to be covered by the decision of this Court in
WP(C) No.953/2016 titled Sanjeev Kumar Saxena v. Union of India & Ors.

At request of learned counsel for the petitioner, relist on 29.3.2017.

SANJIV KHANNA, J

CHANDER SHEKHAR, J

MARCH 20, 2017

tp

\$~19

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

+ LPA 181/2017

NANDITA NARAIN

..... Appellant

Through: Mr. Jayant Bhushan, Senior Advocate
with Ms. Reeja Varghese, Mr. Sunil
Mathews & Ms. Sabah Iqbal Siddiqui,
Advocates

versus

UNIVERSITY OF DELHI AND ORS

..... Respondents

Through: Mr. Sudhir Nandarajog, Senior
Advocate with Mr. Mohinder J.S.
Rupal, Advocate for respondent
Nos.1 to 3
Mr. Romy Chacko & Mr. Shubham
Singh, Advocates for respondent
Nos.4 & 6
Mr. Rajesh Gogna, CGSC for
respondent No.10

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **20.03.2017**

CM No.10522/2017

Allowed, subject to all just exceptions.

The application is disposed of.

LPA No.181/2017 & CM Nos.10523-24/2017

Respondents would produce before us in a sealed cover, if required
and necessary, the Fact Finding Inquiry Report on the next date of hearing.

Issue notice to show cause as to why the appeal be not admitted, returnable on 30.3.2017. Notice is accepted on behalf of respondent Nos.1,2,3,4,6 and 10.

SANJIV KHANNA, J

CHANDER SHEKHAR, J

MARCH 20, 2017

tp

\$~5

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

+ W.P.(C) 4543/2014

SHIWAM KUMAR

..... Petitioner

Through: Mr. C. Hari Shankar, Senior
Advocate with Mr. S. Sunil, Advocate

versus

UNION PUBLIC SERVICE COMMISSION AND ANR

..... Respondents

Through: Mr. Naresh Kaushik & Ms.
Shriambhra, Advocates for UPSC
Mr. Waize Ali Noor, Advocate for
UII

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **20.03.2017**

In view of the order passed in WP(C) No.2393/2016, relist on
6.7.2017.

SANJIV KHANNA, J

CHANDER SHEKHAR, J

MARCH 20, 2017

tp

\$~6

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

+ **W.P.(C) 2393/2016**

PANKAJ KUMAR SRIVASTAV

..... Petitioner

Through: Mr. C. Hari Shankar, Senior
Advocate with Mr. S. Sunil, Advocate

versus

UNION PUBLIC SERVICE COMMISSION & ANR..... Respondents

Through: Mr. Naresh Kaushik & Ms.
Shriambhra, Advocates for UPSC
Mr. Sarfaraz Khan, Advocate for UOI

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **20.03.2017**

Request for a passover is made on behalf of the learned counsel for the Union of India. Learned Senior Counsel for the petitioner states that he would be in difficulty if the matter is taken-up in the post-lunch session.

Relist on 6.7.2017.

SANJIV KHANNA, J

CHANDER SHEKHAR, J

MARCH 20, 2017/tp

\$~21

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

+ W.P.(C) 2471/2017

THE BOARD OF DIRECTORS, MECHANICAL DEPARTMENT
PRIMARY CO-OPERATIVE BANK LTD. Petitioner

Through: Mr. Anurag Dubey & Mr. Meenesh
Dubey, Advocates

versus

CENTRAL REGISTRAR OF CO-OPERATIVE SOCIETIES & ANR
..... Respondents

Through: Mr. Sumeet Pushkarna & Mr.
Siddharth Nagpal, Advocates

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **20.03.2017**

CM No.10701/2017

Allowed, subject to all just exceptions.

The application is disposed of.

WP(C) No.2471/2017 & CM No.10700/2017

At request of learned counsel for the respondents, who states that he would obtain instructions, whether the letter dated 8.2.2017 is an order appointing an arbitrator, or is a request to the Central Registrar, Cooperative Societies to consider the allegation/dispute received for appointment of an

arbitrator. Reliance is placed by the petitioner on the order dated 15.12.2015, in WP(C) No.1525/2015 titled Mechanical Department Primary Cooperative Bank v. Central Registrar of Cooperative Societies.

Relist on 24.3.2017.

Dasti under the signature of the Court Master.

SANJIV KHANNA, J

CHANDER SHEKHAR, J

MARCH 20, 2017

tp

\$~4

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

+ W.P.(C) 9911/2016

MANJU

..... Petitioner

Through: Mr. Ravi Dahiya, Advocate

versus

DELHI SUBORDINATE SERVICES SELECTION BAORD

(DSSSB) & ORS.

..... Respondents

Through: Mr. Siddhartha Shankar Ray,
Advocate for respondent Nos.1, 2 & 4
Mr. Atul Kumar, Advocate for
respondent No.3

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **20.03.2017**

Learned counsel for respondent Nos.1, 2 & 4 prays for and is granted last opportunity to file counter-affidavit within four weeks from today, failing which the said respondents shall pay costs of Rs.5,000/- to the petitioner for today's adjournment and delay. It is made clear that if the counter-affidavit is not filed within four weeks, costs would have to be paid by the said respondents to the petitioner. Rejoinder will be filed within four weeks after the counter-affidavit is served.

Relist on 1.8.2017.

SANJIV KHANNA, J

CHANDER SHEKHAR, J

MARCH 20, 2017/tp

\$~22

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 2472/2017
CENTRAL GOVT. PENSIONERS ASSOCIATION OF ADDL. /
JOINT SECRETARY & EQUIVALENT OFFICERS..... Petitioner
Through: Mr. Vivek Singh, Advocate
versus
UNION OF INDIA & ANR Respondents
Through: Mr. Rakesh Kumar, CGSC

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **20.03.2017**

CM No.10702/2017

Allowed, subject to all just exceptions.

The application is disposed of.

WP(C) No.2472/2017

Learned counsel for the petitioner submits that similar issue arises in

WP(C) No.6002/2016 titled All India S-30 Pensioners Association & Ors. v.

Union of India & Ors., which is listed on 2.8.2017.

Issue notice, returnable on 2.8.2017. Mr. Rakesh Kumar, CGSC, who appears on advance notice, accepts notice on behalf of respondent Nos. 1 and 2.

SANJIV KHANNA, J

CHANDER SHEKHAR, J

MARCH 20, 2017/tp

\$~24

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

+ **W.P.(C) 2490/2017 & CM No.10768/2017**

UNION OF INDIA & ORS

..... Petitioners

Through: **Mr. B.P. Singh, Advocate**

versus

HEMLATA

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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20.03.2017

At request of learned counsel for the petitioner, relist on 29.3.2017.

SANJIV KHANNA, J

CHANDER SHEKHAR, J

MARCH 20, 2017

tp