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

+ W.P.(C) 3013/2016

DELHI TRANSPORT CORPORATION Petitioner
Through Ms. Tania Ahlawat and Ms. Palak
Rohmetra, Advocates.

versus

SHRI RAJU Respondent
Through Mr. Anil Mittal and Ms. Komal
Aggarwal, Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **15.03.2017**

Counsel for both the sides agree that the subject writ petition is now covered by the ratio of the order dated 22nd November, 2016 passed by the Supreme Court in Civil Appeal No. 11154 of 2016, *Surender Singh and Ors. Vs. Delhi Transport Corporation & Ors.*

The operative portion of this order reads as under:-

“7. In this view of the matter, the judgment of the High Court suffers from an error apparent on the face of the record. We, therefore, consider it appropriate in the interest of justice to set aside the impugned judgment and order and direct that in regard to all the 119 employees who were sought to be terminated, no action for termination shall be taken except in accordance with law, i.e., after an enquiry in which the employees would have an opportunity to show cause that the disability was acquired after their employment.

8. We make it clear that the DTC shall not be restricted to

the usual enquiry but would be entitled to obtain a medical opinion as to whether the employees acquired the disability before or after their employment. We are of this view because the disability in question is a serious disability for a driver of a bus in which many people travel. Such a disability might also endanger the life of other people who are on the road. We also consider it appropriate to direct that there shall be an enquiry through medical board whether the employee acquires disability after his employment and if that enquiry is against the employee then, whether the employee is responsible for using deceitful means or suppressing his disability for seeking employment.

9. We further make it clear that this shall not prevent the DTC from terminating the services of the drivers on the ground that they are found to be colour-blind. However, the employees will be entitled for protection of their services under the Act if eligible in law. The appellants shall be treated to have been reinstated for the purposes of the enquiry and shall be entitled to claim consequential benefits at the time of final decision of the enquiry, which shall be completed within a period of six months from the date of receipt of copy of this order.”

The writ petition is accordingly disposed of in the aforesaid terms. The impugned order dated 29th September, 2015 in OA No.3938/2013, ***Raju Vs. Delhi Transport Corporation*** would be treated as modified to the extent and in terms of the directions given by the Supreme Court quoted above. There would be no order as to costs.

SANJIV KHANNA, J.

CHANDER SHEKHAR, J.

MARCH 15, 2017/NA