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

+ W.P. (C) 7050/2016

ANJU BHATIA

..... Petitioner

Through: Mr. A.S. Chandhiok, Sr. Advocate with
Mr. Ritesh Kumar and Mr. Dipender Chauhan,
Advocate.

versus

DELHI HIGH COURT THROUGH: REGISTRAR
GENERAL & ANR

..... Respondents

Through: Mr. Sanjay Ghose with Mr. Rishabh
Jaitley, Mr. Dhananjay Rana and Ms. Aparajita
Sharan, Advocates for Delhi High Court.
Mr. Ankur Chhibber with Mr. Nitish Negi,
Advocates for Resp-2.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

18.04.2017

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1. The petitioner challenges an order rejecting her appeal. The appellate authority declined to interfere with the order imposing a minor penalty of withholding of increment without cumulative effect - made on 11.12.2008.

2. The petitioner was issued with the chargesheet on 29.01.2004 alleging that she had omitted to ensure the return of some records. The proceedings culminated in an adverse report and the penalty of

withholding of increment without cumulative effect on 11.12.2008 - by the District Judge, i.e., the disciplinary authority was imposed. In the meanwhile, apparently, her claim for promotion as UDC was not considered in the light of the pendency of disciplinary proceedings in 2006 and later in 2007. Eventually, she was promoted on 16.02.2009.

3. Claiming to be aggrieved, the petitioner approached the appellate authority, i.e., this Court, questioning the penalty order of 11.12.2008. The appellate authority rejected her plea on the ground that she had approached it belatedly.

4. It is contended by learned senior counsel that the appellate order should be interfered with since the findings of the disciplinary authority could not have resulted in penalty. Arguing that the petitioner was not found guilty for the charge levelled, it was submitted that the disciplinary authority merely went by her statement that the signatures of the concerned official or employee receiving the records had not been obtained. It was submitted that the appellate authority in rejecting the appeal only on the ground of delay fell into error because the petitioner had shown sufficient cause. He has emphasised that the petitioner was a chronic patient of tuberculosis and was under continuous treatment which had in effect prevented her from seeking legal redress and appellate recourse.

5. This Court is of the opinion that the appellate order cannot be faulted with. Ordinarily, rejection of an administrative appeal on the ground of delay might be the subject of judicial review, however, in

the present case, the Court notices that the certificates on the record on the one hand show that the petitioner was suffering from tuberculosis; at the same time equally it is a matter of record that she continued to work. Such being the case, there was no impediment for her to have approached the appellate authority. Furthermore, even if the delay - inordinate - as it undoubtedly is, were to be condoned for some reasons, the Court is of the opinion that the intervening period has resulted in promotions accruing in favour of other employees who are not parties to this litigation. The relief claimed by the petitioner especially claim (c) if granted, would result in such parties being adversely affected.

6. For the above reasons, the petition has no merit; it is, therefore, dismissed.

S. RAVINDRA BHAT, J

YOGESH KHANNA, J

APRIL 18, 2017

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