

\$~53

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

+ LPA No.286/2017 and CM Nos.14667-69/2017

% Date of decision : 19th April, 2017

MEEENAL PASSI

..... Appellant

Through : Mr. K.K. Rai, Sr. Adv. with
Mr. Anshul Rai and Mr.
Chandrsekhar A.C., Adv.

versus

UNION OF INDIA & ORS

... Respondents

Through : Mr. B.K. Sood and Mr.
Sandeep Thukral, Adv.
Ms. Tatini Basu, Adv.
for R-2.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE ANU MALHOTRA

JUDGMENT (ORAL)

ACTING CHIEF JUSTICE

CM Nos.14668-69/2017

Allowed, subject to just exceptions.

The applications are disposed of.

LPA 286/2017 and CM Nos.14667/2017

1. The appellant before us had filed W.P.(C)No.2357/2017 assailing the action of the respondents in proposing to commence

disciplinary proceedings against her order of suspension. It appears that an interim order dated 14th March, 2017 (page 185) was passed staying the disciplinary proceedings which was premised on the appellant's submission that the consultation with the Central Vigilance Commission which was mandatorily required had not taken place. This position was contested by the respondent who points out that the Central Vigilance Commission had made its recommendation on the 20th of February 2017 recommending major penalty proceedings against the appellant. This has resulted in the passing of the impugned order dated 11th April, 2017 vacating the stay on the suspension and the disciplinary proceedings.

2. It is contended by Mr. K.K. Rai, Id. Senior Counsel appearing for the appellant that she has alleged *mala fide* against the respondent no.3 Director General of the respondent and is apprehensive that the disciplinary proceedings would be hastily completed without following due process so as to illegally penalise her.

3. So far as the vacation of the interim order of stay by the impugned order dated 11th April, 2017 is concerned, it does not invite any intervention. With regard to the apprehension, the issue regarding *mala fide* and other claims on merits are pending consideration before the Id. Single Judge and would abide by the final adjudication in the writ petition filed by the appellant.

4. So far as the apprehension expressed by the appellant is concerned, we are sure that the respondents shall abide strictly by

the well settled principles of law governing the proceedings of disciplinary proceedings and shall ensure that the applicable rules as well as principles of natural justice are not violated and that the appellant is given a fair and reasonable opportunity to place her defence.

5. This appeal as well as the application are dismissed in the above terms.

Dasti.

ACTING CHIEF JUSTICE

ANU MALHOTRA, J

APRIL 19, 2017

aj

