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

+ W.P.(C) 6509/2015 & CM No. 11854/2015 (for stay)

GEETA PETWAL & ORS. .... Petitioners  
Through Mr. Saurabh Bhargavan, Advocate

versus

UNION OF INDIA & ORS. .... Respondents  
Through Mr. Sanjay Ghose, Ms. Pratishtha Vij,  
Mr. Dhananjai Rana, Advocates for respondent no.  
2.  
Mr. Vijay Joshi, Sr. Standing Counsel, for  
respondent no.1/UOI.

**CORAM:**

**HON'BLE MR. JUSTICE VALMIKI J. MEHTA**

**ORDER**

% **22.02.2017**

1. Petitioners in this writ petition had challenged the report of the Enquiry Officer dated 29.6.2015 as also the show cause notice dated 30.06.2015 issued on the basis of Enquiry Officer's report dated 29.6.2015. It is settled law that an Enquiry Officer's report may or may not be accepted by the Disciplinary Authority. An employee can only be aggrieved if the Enquiry Officer's report is accepted by the Disciplinary Authority and punishment is imposed upon the errant employee. This writ petition is therefore premature.

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2. Learned counsel for the respondent no. 2 states that the Disciplinary Authority has during the pendency of the writ petition passed a termination order dated 04.07.2015, and therefore, this writ petition which in any case was premature cannot continue because petitioners will have to challenge the order of the disciplinary authority imposing the punishment upon the petitioners of termination of services.

3. Learned counsel for the petitioner no. 3 argues that the writ petition survives qua petitioner no. 3 inasmuch as petitioner no. 3 has not been served of the order of termination dated 4.7.2015, however, this argument is misconceived inasmuch the writ petition itself was premature because a writ petition cannot be filed till an order is passed by the Disciplinary Authority accepting the report of the Enquiry Officer.

4. The Writ petition is accordingly disposed of with liberty to the petitioners to challenge the order of termination dated 4.7.2015, of course, in accordance with law.

5. The interim order passed on 10.7.2015 stands vacated.

**VALMIKI J. MEHTA, J**

**FEBRUARY 22, 2017, godara**  
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