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

+ W.P.(C) 555/2017

SUNIL KUMAR

..... Petitioner

Through: Mr K. Prabhakara Rao, Advocate.

versus

DELHI METRO RAIL CORPORATION LTD Respondent

Through: Mr Tarun Johri, Mr Ankit Saini and
Mr Ankur Gupta, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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17.07.2017

1. The petitioner has filed the present petition, *inter alia*, challenging the order dated 02.03.2016 passed by the concerned officer of the Central Vigilance Officer (CVO) whereby the petitioner's request with regard to payments made to senior counsel engaged by the respondent before the Labour Court was considered and rejected. The petitioner alleged that there are irregularities in bills and senior counsel was also paid for alleged appearance on dates when no court hearing was held and none was present.

2. The office of the CVO had examined the said complaint and has not found any irregularity in the payments made to senior counsel. The CVO has also noticed that although the senior counsel may not have appeared on the date but other advocates were present and the case was conducted under his guidance.

3. The aforesaid decision cannot be challenged. This Court does not find the said view to be perverse or patently illegal, which would warrant any interference in these proceedings. The question whether an advocate bill is required to be cleared is a matter of understanding between the client and the advocate. There are many occasions where a senior counsel has made himself available and is prepared with the matter but the matter is not taken up or is adjourned; it is not for this court to examine whether any amount is payable to counsel for such occasions.

4. Even if it is accepted that certain amounts have been paid in excess that does not *ipso facto* lead to a conclusion that there is any collusion or corruption.

5. However, the learned counsel for the petitioner insists that there are certain bills for appearance that have been cleared even though there was no hearing scheduled on that date and, therefore, the question of per appearance payment being made does not arise. The learned counsel for the petitioner further states that the same has been pointed out to the respondent.

6. This Court is not inclined to entertain the present petition particularly at the instance of the petitioner who was concerned employee against whom the respondent had engaged the counsel whose bills are now sought to be questioned. However, since the petitioner claims to have pointed out that the payments have been made even in cases where no hearing was scheduled, the respondent shall look into the same and once again confirm whether the bill had been paid in accordance with the sanction of the competent authorities.

7. No further orders are warranted.
8. The petition is disposed of with the above observations.

VIBHU BAKHRU, J

JULY 17, 2017
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