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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 9/2017**

RAJENDRA SINGH Petitioner

Through Mr. S.K. Das, Adv.

versus

B K MISHRA Respondent

Through Mr. Naushad Ahmed Khan, Adv.

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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08.08.2017

Petitioner had filed two writ petitions. First one being WP(C) 5304/2008 and the other WP(C) 1084/2011. In the earlier writ petition of the year 2008, the petitioner had challenged the dismissal order dated 18.06.2008 and the incidental show cause notice and the enquiry report. In the petition, which was filed in year 2011, the petitioner assailed the conclusions of the Sexual Harassment Committee and the consequential orders. Though the earlier writ petition i.e. WP(C) 5304/2008 was allowed setting aside the dismissal, Mr. Khan, ld. counsel for the respondent points out that on the challenge extended thereto, in LPA 462/2016 the order has been stayed on 04.07.2017. It is not disputed on behalf of the respondent. The subsequent petition of the year 2011, came to be disposed off by the learned Single Judge, with the observations, as follows:-

“15. In view of the discussion above, the present writ petition needs to be allowed. The order dated February 08,

2010 and August 12, 2010 are set aside. As I have already set aside the dismissal order dated June 18, 2008, in W.P.(C) No. 6617/2007, the petitioner shall be entitled to the benefits on the day he has attained the age of superannuation. The benefits given earlier to the petitioner needs to be adjusted.”

Mr. Khan, Id counsel submits that the second judgment dated 04.01.2016 is also under challenge inasmuch as LPA has been filed. Constructive reading of both the judgments and the order dated 04.07.2017 passed by the Division Bench of this Court, LPA 462/2016 leaves no doubt that, as of now, the order of Ld. Single Judge, setting aside the dismissal order, is remaining stayed. Even otherwise, on the setting aside of the dismissal order dated 18.06.2008, one does not find any specific directions for payment of any dues in a time bound manner. Keeping in view of the totality of the facts and circumstances, the instant petition is disposed off with the liberty to the petitioner to file afresh, if, the cause of action survives/arises after the disposal of LPA 462/2016.

Petition stands disposed off accordingly.

A. K. CHAWLA, J

AUGUST 08, 2017

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