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

+ W.P.(C) 7808/2017, CM Nos. 32220-32221/2017

RITU PRAKASH SINGH

..... Petitioner

Through: Mr.S.D.Singh, Adv. with Mr.Rahul
Kumar Singh, Mr.Jitender Singh,
Mrs. Surabhi Shukla, Ms.S.Sinha,
Advs.

versus

NATIONAL HOUSING BANK AND ORS

..... Respondents

Through: Mr.Sanjay Kapur, Adv. with
Ms.Megha Karnwal, Mr.Karan Govel,
Advs.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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04.09.2017

CM No.32221/2017

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 7808/2017

The present petition has been filed by the petitioner with the following prayers:

“Therefore, it is most respectfully prayed that this Hon’ble Court may kindly be pleased to:-

(a) *Issue writ of certiorari or any other writ, order or direction of the similar nature whereby set aside the*

decision taken by the respondent no.2 vide its letter dated 22.8.2017 and 29.8.2017 and further the writ be issued to appoint a retired judicial officer as an inquiring authority for holding the inquiry against the petitioner, by removing the respondent no.3 as inquiring authority,

- (b) Issue a writ of mandamus or any other writ, order or direction of the similar nature whereby directing the respondents to produce MW-1 Shri Milind Deshpande who was examined on 18.08.2017 to afford an opportunity to the petitioner to cross examine the said witness before examination of any other witnesses by the respondents in the inquiry proceedings.*
- (c) Issue a writ of mandamus or any other writ, order or direction of the similar nature whereby commanding the respondents no. 2 herein to permit the petitioner to get represented through legal practitioner in the inquiry proceedings with liberty to respondent no.1 also to get represented with the legal practitioner for appropriate conduct of the inquiry proceedings, by setting aside the decisions of the respondent authorities while rejecting the request of the petitioner to appoint legal practitioner to represent her;*
- (d) Issue a writ of mandamus or any other writ, order or direction of the similar nature whereby directing the respondents herein to conduct the videography of the entire proceedings so that smooth and hindrance less proceedings can be conducted and the arbitrary and hindrances caused and perpetuated by respondent no.4 can be controlled and curbed;*
- (e) Pass such further order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case".*

From the perusal of the prayers as made in the writ petition, the grievance of the petitioner is that the cross examination of MW1 Mr. Milind

Deshpande has been abruptly closed. Mr. Singh has drawn my attention to the proceedings dated August 18, 2017. Mr. Sanjay Kapur, learned counsel appearing for the respondents refutes, the submission. He states, if the petitioner intended to further cross examine the said witness, she should have made a request in that regard, which it appears was not made. The Enquiry Officer has rightly adjourn the proceedings for examination of other witnesses.

At this stage, Mr. Sanjay Kapur, states that the Presenting Officer shall produce MW1 Mr.Milind Deshpande for further cross examination by the petitioner on the next date of hearing. His statement is taken on record.

The second grievance of the petitioner is her request for the engagement of a legal practitioner as a defence assistant has been rejected. Mr. Singh, states that the same has been rejected without any application of mind and reasons. He also states that the petitioner is ready and willing to suggest the name of her husband as a defence assistant. Suffice to state, nothing precludes the petitioner to make such a request to the Disciplinary Authority, who would consider the request as per Rules.

Insofar as the third grievance of the petitioner that the Enquiry Officer is novice inasmuch she does not have the experience of holding a

departmental enquiry, is concerned, the petitioner shall be at liberty to take all pleas, including the conduct of proceedings by the Enquiry Officer, on facts and in law after the proceedings are concluded and a final order is passed by the Disciplinary Authority. It is a settled position of law that the disciplinary proceedings can not interdicted, till such time, a final order is passed by the Disciplinary Authority.

Mr. Singh, has also made a request that the proceedings before the Enquiry Officer be video-graphed. I note, such a request has been rejected by the Disciplinary Authority. If the petitioner is of the view that the denial of video-graphy of the proceedings has affected her right / interest in defending herself, she shall be at liberty to make such a grievance after the final order is passed to her prejudice, by the Disciplinary Authority.

The petition is disposed of.

CM 32215/2017 (stay)

Dismissed as infructuous.

Order dasti.

V. KAMESWAR RAO, J

SEPTEMBER 04, 2017/akb