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

+ W.P.(C) 11420/2017

G.S. SIDDHU

..... Petitioner

Through

Mr. Nitin Dayal, Advocate

versus

MINISTRY OF FINANCE & ORS.

..... Respondents

Through

Mr. Ajay Digpaul, CGSC for respondent no.1.

Mr. R.S. Mathur, Advocate for respondents no.2
to 4.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE V. KAMESWAR RAO

O R D E R

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20.12.2017

CM.APPL 46622/2017(Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 11420/2017 & CM.APPL 46621/2017(stay)

This is a petition under Article 226 of the Constitution of India filed by the petitioner. The challenge in this writ petition is primarily to the Central Bank of India Officer Employees(Discipline and Appeal) Regulations 1976. The prime grievance of the petitioner is that the petitioner, who is a retired employee, was not permitted to seek the services of another retired employee to defend him in the departmental proceedings which has caused great prejudice to his rights.

We may notice that an identical ground was raised by the petitioner by filing a writ petition being W.P.(C) 6958/2016, when on 23.05.2017, the following order was passed:

“As recorded in the last order, Inquiry Report has been submitted and the matter is pending before Disciplinary Authority. The writ petition relating to defence assistant in the inquiry proceedings is therefore, rendered infructuous and of academic interest.

In view of the aforesaid, learned counsel for the petitioner

submits that he would raise all the issues and contentions which are raised in the present writ petition at the appropriate stage, if necessary. Learned counsel for the petitioner further submits that the petitioner has retired and is not “official employee” and this contention would be raised by the petitioner before the Disciplinary Authority and, if required, before the Statutory Authority in appeal/revision.

We take the statement made by the learned counsel for the petitioner on record and dispose of the writ petition, clarifying that we have not expressed any opinion on merits. It is open for the petitioner to raise all the issues and contentions, so raised in the present writ petition, in accordance with the law, either before the Statutory Authority or if required by way of writ petition.”

After some hearing, learned counsel for the petitioner seeks leave to withdraw this petition with liberty to file an appeal before the disciplinary authority/appellate authorities raising all grounds as raised in the writ petition, including the ground with respect to the denial of services of a retired employee to defend him.

The writ petition is dismissed as not pressed. All the legal issues raised in the petition are kept open. Leave is granted to the petitioner to raise all the grounds as raised in the writ petition, including the ground with respect to the denial of services of a retired employee to defend him before the appellate authority in accordance with law.

The writ petition stands disposed of.

CM.APPL 46621/2017 also stands disposed of.

Dasti to the parties under the signature of Court Master, as prayed.

G.S.SISTANI, J

V. KAMESWAR RAO, J

DECEMBER 20, 2017/pst /
W.P.(C) 11420/2017