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

+ W.P.(C) 11876/2015

UNION OF INDIA AND ORS

..... Petitioner

Through Mr. Sanjeev Narula, CGSC with Mr.
Abhisek Ghai, Advocate.

versus

SURENDER KUMAR AND ANR

..... Respondent

Through Mr. V.P.S. Tyagi, Advocate.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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17.02.2017

During the course of hearing, counsel for the respondents-Surender Kumar and Isham Singh submits that they are interested in reinstatement and would forgo their right and claim to get 50% backwages as directed by the impugned order of the Tribunal dated 8th October, 2015.

2. We take the said statement on record and appreciate the stand taken by the respondents-Surender Kumar and Isham Singh.

3. With regard to the order of reinstatement, we are in agreement with the findings of the Tribunal. Services of the respondents were terminated on the basis of their alleged involvement in a criminal case, which has resulted in acquittal. The said case was registered under Narcotic Drugs and Psychotropic Substances Act, 1985 and had no nexus with or bearing on the discharge of official duties.

4. The respondents-employees were casual labourers who were granted temporary status under the 1993 Scheme. The termination order in the present case was not pursuant to any duly instituted disciplinary enquiry. The issue being limited, we cannot comment on any other aspect. In case the respondents are guilty of any misconduct, the petitioner can take action in accordance with law.

5. We would not, therefore, interfere with the impugned order of the Tribunal, directing reinstatement of respondents-Surender Kumar and Isham Singh. The petitioners would issue reinstatement letters to the respondents on or before 31st March, 2017. The respondents would be entitled to the same status, as before termination. In case, reinstatement orders are issued subsequently, the petitioners would be liable to pay salary to the respondents with effect from 1st April, 2017.

Dasti.

SANJIV KHANNA, J.

CHANDER SHEKHAR, J.

FEBRUARY 17, 2017

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