

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: January 29, 2018
+ **W.P.(C) 763/2018 & C.M 3204-05/2018**
+ **W.P.(C) 764/2018 & C.M 3206-07/2018**

SH. V. BHASKAR Petitioner
Through: Mr. Sushil Kumar Sharma, Advocate

versus

MINISTRY OF MINORITY AFFAIRS AND ORS.
.....Respondents
Through: Mr. Sanjay Kumar, Advocate

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR
ORDER
(ORAL)

1. Since the challenge to impugned orders of 18th September, 2017 in the above-captioned two petitions is on similar grounds, therefore, these two petitions have been heard together and by this common order, they are being disposed of.
2. In the above-captioned first petition, vide impugned order of 18th September, 2017 (*Annexure P-1*) recovery of ₹7,57,503/- is sought to be made from petitioner regarding assets issued to Ex-Chairman & Managing Director of respondent-NMDFC whereas in the above-captioned second petition, vide impugned order of even date (*Annexure P-1*), recovery of ₹7,27,000/- is sought to be made from petitioner on account of alleged unauthorized withdrawal of cash by using official debit card.
3. Learned counsel for petitioner submits that petitioner was attached to Ex-CMD of NMDFC as Assistant General Manager (S) and the assets

were issued to Ex-CMD and not to petitioner and so, impugned recoveries have to be made from respondent No.5 i.e. Ex-CMD of NMDFC. It is submitted on behalf of petitioner that upon receipt of impugned orders (*Annexure P-1*), petitioner had sent Legal Notices of 25th September, 2017 (*Annexure-9*) to respondents qua impugned recoveries sought to be made from petitioner, but no response has been received by petitioner from respondents.

4. Impugned orders have been issued by respondent-Assistant General Manager (Finance) with the approval of respondent-CMD. The apprehension expressed by learned counsel for petitioner is that the aforesaid amounts sought to be recovered from petitioner may have been deducted by respondent from bonus payable to petitioner.

5. In the facts and circumstances of this case, it is deemed appropriate to dispose of these petitions with direction to respondent-CMD to treat Legal Notices of 25th September, 2017 (*Annexure P-9 and P-6 respectively to these petitions*) as Representations qua impugned recoveries and pass a speaking order thereon within a period of six weeks from today and the fate of Representations be made known to petitioner within a week thereafter, so that petitioner may avail of remedies as available in law, if need be. Till the fate of Legal Notices/Representations is conveyed to petitioner, no coercive steps be taken against petitioner.

6. With aforesaid directions, the above-captioned petitions and the applications are disposed of.

(SUNIL GAUR)
JUDGE

JANUARY 29, 2018

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