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

+ **W.P.(C) 569/2015**

NISHA PRIYA BHATIA Petitioner
Through: **Ms. Ranny, Advocate**

versus

STATE NCT OF DELHI & ORS Respondents
Through: **Mr. Ramesh Singh, Standing Counsel**
(GNCTD) with **mr. Chirayu Jain, Advocate**
Mr. Vivek Kumar Tandon with Ms.Mamta
Tandon, Advs. for R-2
Ms. Monika Arora, Standing Counsel with
Mr.Harsh Ahuja & Mr. Kushal Kumar, Advs. for
NDMC
SI Amit Nara, P.S. Mangolpuri
Mr. Sanyam Khetarpal, Advocate for the
applicant/Sh.Rajender Singh Yadav

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER
% **30.08.2018**

CM APPL. 35305/2018

1. This application for impleadment has been filed on behalf of one Shri Rajender Singh Rawat. The grievance of the said applicant is that in para (2) of the order passed, certain observations have been made with regard to dereliction of duty on the part of this officer and in para (14) the Commissioner, North Delhi Municipal Corporation has been directed to fix

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responsibility for negligence and failure on the officers concerned and take action against them.

2. It is the case of the applicant, Shri Rajender Singh Rawat, that the observations made against him is based on the status report which does not reflect the correct picture. On the said date the applicant was not responsible for the said breach as is indicated in the order and if action is taken against him in the manner as proposed in the status report, it would cause adverse effect on his service career.

3. We have considered this aspect of the matter and we find that the observations are made on the basis of status report dated 07.02.2018 which was brought on record by the North Delhi Municipal Corporation when the matter was pending. However, the status report and the allegations, if any, made in the said report against the applicant, Shri Rajender Singh Rawat, has not been made after hearing him or notice to him. That being so, we clarify that in case based on the material available with the North Delhi Municipal Corporation in compliance with the directions issued in para (14) if any action to be taken against any officer including the applicant, Shri Rajender Singh Rawat, the same shall be done only after following the due process of law granting them an opportunity to show cause and following the principles of natural justice.

4. Needless to emphasise, any observation made in this order shall not be construed as it is a blanket order to take action against the officer without following the principles of natural justice.

5. In view of the above, this application stands disposed of.

W.P.(C) 569/2015 & CM APPL. 20895/2015 (Stay)

6. Compliance report has been filed by the Sub-Divisional Magistrate, Sub-Division – Rohini, District (NW) and by the North Delhi Municipal Corporation indicating action taken for payment of compensation to the victims - injured persons or legal heirs of the deceased persons. The report indicates that payments, as directed, have been made to each individual by way of cheques and we are satisfied that the report submitted indicating payment. That being so, the order so far as it directs payment of compensation stands complied with.

7. As far as the para (1) of the order passed on 04.07.2018 is concerned, for the present we need not proceed further in the matter of fixing the compensation. It would be done by the authorities concerned in accordance with law for future implementation and guidance in the case as may be required under law.

8. With the aforesaid observations, the writ petition along with pending application is disposed of.

CHIEF JUSTICE

V. KAMESWAR RAO, J

AUGUST 30, 2018
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