

\$~41

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

+ **CONT.CAS(C) 100/2018**

DEEPAK KASHYAP Petitioner
Through: **Mr. V.K. Mishra, Adv.**

versus

MANGOOSINGH & ORS. Respondents
Through: **Mr. Ankur Gupta and Mr. Ankit Saini, Advs. with Mr. Puneet Garg, Sr. Law Officer for R1.**

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **13.02.2018**

Present Contempt Petition has been filed by the petitioner alleging non-compliance of order dated August 8, 2017 in W.P.(C) 6142/2017 whereby this Court had directed, DMRC to ensure that Claim Commissioner is appointed within the outer limit of four months from July 18, 2017. It was further directed, the Claim Commissioner would take up the claims of the petitioner as expeditiously as possible. The petitioner has annexed a letter dated January 16, 2018 as Annexure P-4 written by DMRC to the counsel for the petitioner wherein following has been stated:

“This is with reference to the above; it is to inform that the position of Claims Commissioner was earlier being handled by General Manager / Legal. Presently the said post is vacant. The position of GM/Legal has been advertised twice however could not be fulfilled. Further the post of Claims Commissioner was advertised separately but no candidate was found suitable for the screening process. Accordingly, the post

of Claim Commissioner has been re-advertised and the process is expected to be completed shortly.

In view of the above, any initiation of legal proceeding against DMRC will be at your own risk and cost.”

Mr. Ankur Gupta, Adv. who appears for respondent no.1 on advance notice states, further advertisement has been issued on December 15, 2017 against which four applications have been received. Same have been screened and it is expected that interview shall be held within 10 days. It is the submission of the learned counsel for the respondent no.1, de-hors the process of appointment to the post of Claim Commissioner, still the respondent no.1 is ready to consider the claim of the petitioner in accordance with the provisions of Delhi Metro Rail Operation and Maintenance Act, 2002 and in that regard he, through his representative, can appear before Mr. Vikas Kumar, Executive Director (Operation) any time. This submission of the learned counsel appearing for the respondent No. 1 is acceptable to Mr. V.K. Mishra, counsel for the petitioner. If that be so, petitioner shall appear before Mr. Vikas Kumar on February 26, 2018 at 3 PM when Mr. Kumar shall consider the claim of the petitioner in accordance with the provisions of the aforesaid Act and pass a reasoned order.

If the petitioner is still aggrieved by the order to be passed by Mr. Kumar, he shall be at liberty to seek such remedy as available in law.

Petition stands disposed of.

V. KAMESWAR RAO, J

FEBRUARY 13, 2018/jg