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

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Date of Order: February 23, 2018

+ W.P.(C) 1752/2018

DHARAMBIR SINGH

..... Petitioner

Through: Mr.Avadh Kaushik and Mr.Prashant
Sharma, Advocates for Mr.R.K.Saini,
Advocate

versus

DIRECTOR OF EDUCATION & ANR

..... Respondents

Through: Mr.Naushad Ahmad Khan, ASC (Civil),
GNCTD, Mr.Devesh Dubey and Mr.Zahid
Hanief, Advocates for R-1

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Impugned order of 12th December, 2017 (*Annexure P-1*) rejects petitioner's Representation seeking re-employment. The reason put-forth in the impugned order (*Annexure P-1*) is that due to pendency of inquiry proceedings against petitioner, re-employment has not been granted to him.
2. Learned counsel for petitioner submits that proceedings in the criminal case against petitioner have not yet commenced and no departmental inquiry is to be initiated on the complaint of sexual harassment and only an in-house inquiry is pending which is in progress. Petitioner's counsel submits that despite vigilance clearance and fitness certificate being issued to petitioner and his good service record, he has not been given re-

employment.

3. Learned Additional Standing Counsel for first respondent submits that the respondent-school has erroneously given the vigilance clearance to petitioner despite registration of a criminal case against him and the said vigilance clearance was given prior to the receiving of complaint of sexual harassment.

4. It is pointed out that despite directions of 14th September, 2017 of first respondent, the Management Committee of the respondent-School has not initiated disciplinary proceedings against petitioner in respect of the subject matter of the criminal case pending against him.

5. Upon hearing and on perusal of impugned order and the material on record, I find that re-employment cannot be claimed as a matter of right and is not automatic. Since inquiry in the case of sexual harassment is pending against petitioner, therefore, his re-employment has been rightly declined.

6. Finding no substance in this petition, it is dismissed.

(SUNIL GAUR)
JUDGE

FEBRUARY 23, 2018

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