

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: April 23, 2018

+ W.P.(C) 2163/2018
NINA LATH GUPTA Petitioner
Through: Mr. Darpan Wadhwa, Senior
Advocate with Ms. Aditi Mohan, Advocate
versus

UNION OF INDIA AND ANR. Respondents
Through: Mr. Sandeep Sethi, Senior
Advocate with Mr. Vikram Jetly, CGSC, Mr.
Virat Singh Nagar and Mr. Kartik Yadav,
Advocates for respondent-UI

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

C.M.11675/2018

By way of this application, vacation of interim order of 8th March, 2018 is sought by first respondent.

Instead of deciding this application, it is deemed appropriate to hear the writ petition today itself. As such, the date of 18th May, 2018 fixed in the writ petition is cancelled and hearing is preponed for today.

W.P.(C) 2163/2018 & CM 8926/2018 (stay)

1. Impugned order of 27th February, 2018 (*Annexure P-1*) terminates petitioner's service while granting three months' salary in lieu of notice period. Learned senior counsel for petitioner assails impugned termination on the ground that in paragraph No.2 thereof, there are serious allegations against petitioner which are unfounded and these allegations render the impugned order stigmatic and liable to be quashed

as the impugned termination is not preceded by any disciplinary action under *the Conduct, Discipline and Appeal Rules*.

2. Learned senior counsel for first respondent, on instructions, submits that in order to put to an end to the controversy, paragraph No.2 of impugned order be treated as withdrawn, although it does not stigmatize petitioner.

3. Learned senior counsel for petitioner submits that the allegations made in paragraph No.2 of impugned order are required to be withdrawn.

4. Once paragraph No.2 is withdrawn from impugned order, then no orders in this regard are required to be passed.

5. In view of aforesaid stand taken on behalf of first respondent, impugned order of 27th February, 2018 be replaced by first respondent by a *simplicitor* order dispensing with the service of petitioner. Let it be so done within three days from today and it be communicated to petitioner, so that petitioner may avail of the remedies against the order so passed in lieu of order of 27th February, 2018. It is made clear that upon substitution of impugned order, Annexure P-13 (colly.), etc., will not be of any consequence.

6. With aforesaid directions, this petition and the pending application are disposed of.

Copy of this order be given *dasti* under signatures of the Court Master to learned counsel for the parties.

(SUNIL GAUR)
JUDGE

APRIL 23, 2018

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