

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

Date of Order: April 11, 2018

+ W.P.(C) 3563/2018 & C.M. 14043-44/2018

HARI SINGH DULGAS Petitioner

Through: Mr. Sunil Dalal & Ms. Garima
Goel, Advocates

Versus

THE ORIENTAL INSURANCE COMPANY LIMITED

..... Respondent

Through: Mr. Pradeep Gaur &
Mr. Himanshu Joshi, Advocates

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Petitioner is facing a departmental inquiry and vide e-mail of 14th March, 2018, petitioner had requested the Inquiry Officer to appoint Mr. Pratap Singh or Mr. Sunil Kumar Ranga, retired officers of respondent-Insurance Company as Defence Assistant. As per E-Mails of 14th March, 2018 and 15th March, 2018 (*Annexure P-14 colly*), the Inquiry Officer has turned down petitioner's request for appointment of an ex employee as Defence Assistant by referring to Conduct, Discipline and Appeal (CDA) Rules , which permit only the existing employee of respondent-Company to act as a Defence Assistant.

2. Learned counsel for petitioner submits that on 16th March, 2017 and 2nd May, 2017, two witnesses were examined by the Inquiry Officer and petitioner was called upon to cross-examine them but petitioner could

not do so and the next date in inquiry proceedings has not yet been intimated to petitioner. Learned counsel for petitioner submits that no serving employee/ officer of the respondent-company is ready to act as a Defence Assistant.

3. If it is so, then petitioner ought to bring it to the notice of Inquiry Officer by way of application within two weeks. If such an application is received by Inquiry Officer, then it be effectively dealt with by passing a speaking order within a week and in any case, before the inquiry is proceeded further.

4. With aforesaid directions, this petition and applications are disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

APRIL 11, 2018

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