

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

Date of Order: May 31, 2018

+ **W.P.(C) 6271/2018 & CMS. 24185/2018, 24186/2018**

RAJIV CHATURVEDI

.....Petitioner

Through: Mr. Sudhir Nandrajog, Senior
Advocate with Mr. Muhammad Ali Khan, Mr.
Gaurav Gupta, Mr. Jaspal Singh, Ms. Karishma
Thakur and Mr. Omar Hoda, Advocates

versus

PEC LIMITED & ANR.

.....Respondents

Through: Ms. Anumita Chandra, Advocate
for Mr. Sanjeev Narula, Advocate

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

C.M No. 24185/2018 (Exemption)

Allowed, subject to all just exceptions.

W.P. (C) 6271/2018 & CM. 24186/2018

1. Petitioner is facing departmental proceedings and vide order of 13th November, 2017, the Enquiry Officer has concluded that petitioner did not have additional documents/ evidence in his defence and that petitioner is delaying the proceedings.

2. Learned senior counsel for petitioner submits that vide impugned order of 13th November, 2017 (*Annexure F*), right of petitioner to lead evidence has been virtually closed and the documents sought by

petitioner are the Rules and Regulations which are not available on the official website of the respondents. It is pointed out by learned senior counsel for petitioner that on 25th January, 2018, the documents sought, have been supplied and so petitioner ought to be permitted to place the documents as referred to in *Annexure-K* on record as the enquiry proceedings are still at the stage of management's evidence.

3. Upon hearing and on perusal of impugned order, the material on record, I find that what is sought to be placed on record is just Rules and Regulations of respondents and documents concerning delegation of powers etc. Learned senior counsel for petitioner submits that in light of the documents (*Annexure-K*) supplied on 25th January, 2018, some relevant documents are also required to be placed on record. Learned counsel for respondents submits that the act of petitioner is just to delay the proceedings and the relevance of the documents sought to be placed on record is required to be seen. This Court is of considered opinion that no prejudice would be caused to respondents, if petitioner is permitted to file the documents as referred in *Annexure-K* and documents in relation thereto, as the case is still at the stage of recording of evidence of management witnesses.

4. Accordingly, this petition and the application are disposed of, while permitting petitioner to file the documents within a period of two weeks from today. The said documents be taken on record while leaving the question of relevance and admissibility open as it is to be considered by the Enquiry Officer at the relevant stage. Needless to say, after the evidence of the management witnesses is concluded, petitioner be given

an opportunity to lead his evidence.

5. It is made clear that relevance of documents sought to be placed on record is to be considered at the final stage. One effective opportunity only be granted to petitioner to lead evidence, to allay the apprehension of delay in conducting the enquiry proceedings.

6. In the facts and circumstances of this case, it is directed that the enquiry officer shall make all the endeavours to complete the enquiry proceedings on or before 30th September, 2018.

7. With abovesaid directions, this petition and the applications are disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

MAY 31, 2018

v