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

+ LPA 344/2018
UNION OF INDIA & ORS. Appellants

versus

KHALEEL RAHIM. Respondent

+ LPA 350/2018
THE CHIEF VIGILANCE OFFICER STATE TRADING
CORPORATION LTD Appellant

versus

KHALEEL RAHIM & ORS Respondents

Present : Ms. Manindra Acharya, ASG with Mr. Arun Bhardwaj, CGSC, Mr. S.B. Upadhyay, Sr. Advocate, Ms. Gauran, Mr. Nikhil Bhardwaj, Advocates, Mr. Tarkeshwar Nath, Mr. Saurabh Kumar Tuteja, Advocates for appellants in items no.3 & 53.
Mr. A.K. Bhardwaj & Ms. Rashmi Chopra, Advocates for respondent no.1 in items no. 3 & 53.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **04.07.2018**

Both LPAs are directed against the order dated 18.05.2018 passed by the learned Single Judge, by which, the suspension of respondent no.1 has been revoked. LPA 344/2018 has been filed by Union of India, Joint Secretary and Chief Vigilance Officer of State Trading Corporation Ltd. (STC) while LPA 350/2016 has been filed by the Chief Vigilance Officer.

Ms. Manindra Acharya, Assistant Solicitor General (ASG), appearing in both the matters submits that respondent no.1 is the Chairman of STC, however, STC was not impleaded as a party in the writ petition which was decided by the learned Single Judge. It is submitted that in the absence of STC being represented before the Court, serious prejudice has been caused to the rights of

STC. Learned ASG also submits that the matter was finally heard and decided without opportunity having been granted to the parties to file the counter affidavit.

Learned counsel appearing for respondent no.1 clarifies that since Union of India as also the Chief Vigilance Officer of STC was impleaded as a party, and moreover, respondent no.1 himself is the Chairman of STC, thus, petitioner did not deem it necessary to implead STC as a party.

At this stage, learned counsel for respondent no.1, on instructions from respondent no.1, submits that respondent no.1/petitioner has no objection, if STC is impleaded as a party, but prays that the matter may be listed for hearing before the learned Single Judge at the earliest for the reason that the term of respondent no.1 is due to expire on 12.08.2018.

We have heard learned counsels for the parties. Having regard to the stand taken by learned counsels for the parties, the impugned order dated 18.05.2018 is set aside. One week's time is granted to the respondents including STC (newly added respondent in the writ petition) to file the counter affidavit. Rejoinder, thereto, if any, be filed within three days thereafter.

Ms. Maninder Acharya, learned ASG submits that the chargesheet has been served upon respondent no.1 on 18.06.2018 and 22.06.2018, which is denied by counsel for respondent no.1.

Let amended memo of parties be filed within two days.

List the matter before the learned Single Judge for hearing on 17.07.2018.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

JULY 04, 2018/ck/

LPA 344/2018