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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 7468/2018 & CM APPL Nos. 28579/2018, 43345/2018

KAPIL KHATRI

.... Petitioner

Through : Mr.Shaurya Sahay, Advocate.
Petitioner in person.

versus

BANK OF BARODA AND ORS.

..... Respondents

Through : Mr. Santosh Kumar Rout, Advocate
for R1.
Ms. Biji Rajesh and Ms.Eshita
Baruah, Advocates for Mr.Gaurang
Kanth, Advocate for R2.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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22.10.2018

1. Learned counsel for the petitioner, on instructions of the petitioner, who is present in person in court today, submits that this petition may be taken up today for final hearing and disposal.
2. Learned counsels appearing for the respondents have no objection to this proposal. Therefore, this petition is taken up for final hearing and disposal today.
3. The brief facts of the case are that vide the present petition, the petitioner seeks direction against the respondent No. 1 (Bank of Baroda) to issue a 'No Objection Certificate' (herein after referred to as 'NOC') to the petitioner for joining the services of respondent No. 2. It is submitted that for the aforesaid purpose, the petitioner applied for NOC and the same was

denied vide order dated 25.01.2018. Being aggrieved, the present petition has been filed by the petitioner.

4. The case of the respondent No. 1 is that the Disciplinary Authority has initiated disciplinary action against the petitioner by issuing Memorandum, Articles of Charges and Statement of Allegations. It is submitted that the petitioner, during the service with the respondent No. 1, applied for the post of Assistant Audit Officer (Commercial) in the office of Principal Accountant General (Audit), Andhra Pradesh i.e. the respondent No. 2 herein. To join the aforesaid service, the petitioner sought the NOC from the respondent No. 1 which has been denied for the reason mentioned above.

5. Learned counsel for the petitioner, on instructions, has submitted that let the respondent No. 1 issue the NOC during the pendency of inquiry against the petitioner and let the petitioner join the service with the respondent No. 2, subject to the condition that if the petitioner is exonerated from the inquiry proceedings pending against him initiated by the respondent No. 1, he shall continue with respondent No. 2 and if he is punished, he shall be repatriated to respondent No. 1 and face the consequences of the departmental inquiry.

6. Though, learned counsels appearing for respondents No. 1 and 2 have opposed the proposal made by learned counsel for the petitioner, however, in the interest of justice, I hereby, in view of the facts and circumstances of the case, direct respondent No. 1 to give NOC to the petitioner within a period of two days from the receipt of this order and the respondent No. 2 shall allow, the petitioner to join on the post mentioned above.

7. I hereby make it clear that if the petitioner is punished in the

departmental inquiry by the respondent No. 1, the respondent No. 2 shall repatriate the petitioner to the respondent No. 1 to face the punishment imposed by the respondent No. 1.

8. I hereby make it clear that if the respondent No. 1 exonerate the petitioner from the charges, the petitioner shall continue in the service with the respondent No. 2.

9. With the above directions, the present petition and the pending application, if any, are disposed of accordingly.

10. The date earlier fixed in the matter earlier, stands cancelled.

11. A copy of this order be given *dasti* under the signatures of the Court Master.

CM APPL. 43345/2018 (Early Hearing)

In view of the order passed in the writ petition today, this application has been rendered infructuous and is disposed of as such.

OCTOBER 22, 2018

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SURESH KUMAR KAIT, J