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

+ W.P.(C) 9737/2018

MADAN LAL

..... Petitioner

Through Mr.Amit Jain, Advocate alongwith
petitioner-in-person.

versus

DELHI TRANSPORT CORPORATION AND ORS. Respondent

Through Ms.Avnish Ahlawat, S.C. with
Ms.Palak Rohmetra, Adv.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR.JUSTICE V.KAMESWAR RAO

ORDER

% **17.09.2018**

1. The present petition has been filed by the petitioner assailing order dated 09.07.2018 passed by the Tribunal dismissing O.A. No.3967/2017 filed by him praying *inter alia* for revising his salary at the time of his retirement and granting him two annual increments that had been stopped by the respondents in terms of an order dated 26.11.1993.

2. A perusal of the impugned order reveals that Tribunal has dismissed the O.A. filed by the petitioner noting that the Disciplinary Authority had imposed a punishment on the petitioner as long back as on 26.11.1993 and he was subsequently discharged by the Criminal Court vide order dated 16.11.1996. The petitioner did not press for consequential relief even thereafter. Instead, on the eve of his

superannuation on 29.04.2017 (i.e. wrongly typed out as 21.04 .2017 in the impugned order), the petitioner approached the respondents praying *inter alia* that the punishment awarded to him in the year 1993, be reconsidered. The petitioner also filed an appeal on 07.02.2017 before the Appellate Authority, which was rejected on 16.10.2017.

3. The Tribunal recorded that the petitioner has failed to offer any credible explanation for the inordinate delay of 21 years for seeking legal recourse and as a result, the captioned O.A. was dismissed on merits. Aggrieved by the said order, the petitioner has filed the present petition.

4. Learned counsel for the petitioner submits that the Tribunal has overlooked the fact that the petitioner had been acquitted in the criminal case by the learned ACJM VII (Ghaziabad, U.P) on 16.11.1996 and a copy of the said order was furnished by him to the respondents. Therefore, it was the responsibility of the respondents to review the punishment imposed on the petitioner vide order dated 26.11.1993. He further states that the Tribunal failed to consider that the petitioner had made several representations to the respondents, apart from personal visits, but did not receive any positive response in all these years.

5. We have heard learned counsel for the petitioner and perused the petition, in particular, the application for condonation of delay filed by the petitioner alongwith O.A. No.3967/2017. There is nothing material stated therein by the petitioner to explain the

inordinate delay of 21 years in preferring the O.A. Instead, the petitioner has conveniently stated in para 11 of the application that there is no delay on his part in filing the O.A against the respondents.

6. It is noteworthy that even while filing the O.A., the petitioner has elected not to challenge the order dated 26.11.1993, passed by the respondents imposing a penalty of stoppage of two annual increments in his salary, based on a show-cause notice dated 10.11.1993 issued to him.

7. In any case, the consequences of the Disciplinary proceedings cannot have a bearing on the criminal proceeding that were decided subsequently in the year 1998, nor it is a case where the penalty order imposed on the petitioner was made subject to the outcome of the criminal case.

8. This being the position, we do not see any error in the impugned order, for interference. As a result, the present petition is dismissed in limine as meritless.

HIMA KOHLI, J

V.KAMESWAR RAO, J

SEPTEMBER 17, 2018

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