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

Date of Order: February 05, 2018

+ W.P.(C) 5102/2017

SURESH CHAND AND ANR Petitioners

Through: Mr. Vikas Nagpal, Advocate.

Versus

MANAGEMENT OF RAMJAS COLLEGE
AND ANR. Respondents

Through: Mr. Arurag Mathur, Advocate for
Respondent No. 1.

Mr. Santosh Kumar, Mr. Abhinav
Sharma, Advocates for Respondent
No. 2.

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Vide office orders of 23rd December, 2011 and 30th December, 2011 (Annexure-P5 colly), petitioners, who were working as Lab Assistant and Office Assistant were suspended on account of criminal cases being registered against them. Quashing of the aforesaid orders is sought in this petition on the ground that the petitioners' trial in the criminal cases has not begun and no departmental inquiry is pending against the petitioners.

2. Learned counsel for the petitioners submits that the first petitioner is going to retire within two months and that petitioners ought to be treated at par with another employee i.e. Dilbag Singh, against whom also a criminal trial is pending but has not been suspended.

3. In the counter affidavit, filed by the respondent-College, it is stated that the said Dilbag Singh had failed to inform the College that he was involved in the grant of admissions to students in the year 2010-11 on the basis of forged mark sheet and that an FIR was also registered against him.

4. Learned counsel for the respondent-college submits that upon the aforesaid fact coming to the notice of the college, a show cause notice of 3rd January, 2017 has been issued to said Dilbag Singh and the Governing Body of respondent-college in its meeting of 24th March, 2017 has resolved to place said Dilbag Singh under suspension but the decision taken by the Governing Body of the respondent-college has been annulled on the ground of respondent-college was not having the requisite quorum.

5. It is pointed out that Dilbag Singh was placed under suspension on 7th March, 2011 as an FIR for the offence of dowry death was registered against him and he was reinstated on 23rd October, 2015 after he was acquitted in the criminal case.

6. Learned counsel for the respondent-college informs that now the quorum of the Governing Body is complete.

7. At this stage, learned counsel for Petitioner draws the attention of this court to respondent-college's Communication of 7th February, 2017 to the University of Delhi, whereby, the term of Trustee nominees of the Governing Body was extended for a period of 3 months on 1st January, 2017. So it is submitted by Petitioner's counsel that the Governing Body's decision suspending Dilbag Singh has been erroneously withdrawn.

8. Learned counsel for the respondent-college clarifies that mere extension of term of certain Trustee nominees would not make the quorum of the Governing Body complete and this aspect has no bearing on the case of petitioners.

9. Upon hearing and on perusal of impugned order and the material on record, I find that respondent-college cannot keep the petitioners under suspension for an indefinite period. Accordingly, a direction is issued to respondent-college to disclose as to whether petitioners would be reinstated with consequential benefits, if they are acquitted in the criminal cases and if not so, then the respondent-college cannot keep petitioners under suspension without initiating any departmental inquiry against them.

10. In light of the aforesaid, the respondent-college is directed to reconsider the petitioners' suspension within a period of 6 weeks and to pass a speaking order while dealing with the aforesaid aspects and to

intimate about it to petitioners within a week thereafter, so that, the petitioners may avail of the remedy as available in law, if need be.

11. With the aforesaid directions, this writ petition is accordingly disposed of.

**(SUNIL GAUR)
JUDGE**

FEBRUARY 05, 2018

j

