

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

% ***Date of Order : February 20, 2018***

+ **W.P.(C) 6037/2017 & CM No.25065/2017**

SHUBHAM YADAV Petitioner
Through: Mr.Sumit Kumar, Mr.Abhishek Chakraborty
and Mr.Hemant Kumar, Advocates
versus

BANK OF BARODA Respondent
Through: Mr.Bhupendra Singh Chauhan, Advocate

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Petitioner was working as a cashier with respondent-bank on 12th April, 2017 when he was charge-sheeted and vide Representation of 7th July, 2017 (*Annexure P-5*), petitioner had sought stay of departmental inquiry till the conclusion of criminal case i.e. RC-DAI-2017(A)0016. Petitioner's Representation (*Annexure P-5*) stands declined by the Inquiry Officer vide order (*Annexure P-6*) of even date, while noting that the proceedings in the criminal case are yet to commence. Attention of this Court is drawn to a Communication of 12th July, 2017 (*Annexure P-1*) filed along with Additional Affidavit of 21st July, 2017 which reveals that the Disciplinary Authority had called upon petitioner to provide copy of the charge-sheet filed by CBI in the criminal case against him. Learned counsel for petitioner submits that charge sheet in the criminal case is still not filed as the investigation in the criminal case is at final stage. Learned counsel for petitioner submits that the basis of departmental proceedings as well as the

criminal proceedings is identical and the criminal case was registered first in point of time, therefore, its outcome ought to be awaited and thereafter initiation of departmental action has to be considered.

2. Attention of this Court is drawn by respondent's counsel to order of 12th April, 2017 (*Annexure P-1*) and the relevant extract of this order is as under:-

"It is also notified that in terms of aforementioned Circular, The Dy.Zonal Head (DGM), Bank of Baroda, New Delhi Zone, New Delhi will be the Appellate Authority to deal with and to dispose of any appeal that the said Mr.Shubham Yadav may prefer against the order of the undersigned Disciplinary Authority."

3. Learned counsel for petitioner submits that no appeal against rejection of petitioner's Representation by the Inquiry Officer vide order (*Annexure P-5*), which was communicated on 12th July, 2017, was filed as the said Representation is under consideration of the Disciplinary Authority.

4. In the facts and circumstances of this case, it is deemed appropriate to permit petitioner to file an appeal against order of 7th July, 2017 (*Annexure P-6*) passed by the Inquiry Officer to the Deputy Zonal Head (DGM), Bank of Baroda, New Delhi Zone, New Delhi within a period of four weeks. If such an appeal is filed by petitioner against impugned rejection (*Annexure P-6*), then the Appellate Authority shall decide the appeal within a period of 12 weeks.

5. In the circumstances of this case, the interim order of 24th July, 2017 will enure to the benefit of petitioner for a period of two weeks after fate of the appeal is made known to petitioner so that petitioner may avail of the remedies as available in law, if need be.

6. With aforesaid directions, this petition and the application are disposed of.

(SUNIL GAUR)
JUDGE

FEBRUARY 20, 2018
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