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

+ **W.P.(C) 11049/2018 & CM APPL. Nos. 43003-04/2018**

CHAIN PRAKASH

..... Petitioner

Through : Mr. Kumar Rajesh Singh, Ms. Punam Singh, Advocates.

versus

GOVT OF NCT DELHI & ORS

..... Respondents

Through : Ms. Jyoti Tyagi, Advocate for R1 & R2.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

% **12.10.2018**

CM APPL. 43004/2018 (Exemption)

Allowed, subject to all just exceptions.

This application, accordingly, stands disposed of.

W.P.(C) 11049/2018 & CM APPL. 43003/2018 (Stay)

1. Vide the present writ petition, the petitioner seeks direction to set aside/ quash the impugned Charge-sheet dated 9th March, 2018 and direct the respondents to remove the Inquiry Officer appointed contrary to law.
2. Issue notice.
3. Learned counsel appearing for respondents No. 1 & 2 accepts notice.

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4. Learned counsel for the petitioner submits that respondents No. 1 & 2 are the concerned respondents who have to appoint the Inquiry Officer.

5. With the consent of the parties, the present petition is taken up for final hearing and disposal. It is noted that the Inquiry Officer, namely Mr.K.C. Arora, vide letter dated 27th April, 2014, requested that he was suffering with acute ailments of hypertension and diabetes and as such, he was not in a state of physical fitness and it would not be possible for him to continue with the inquiry relating to one Ms.Kamlesh Goel. In addition to above, the petitioner has made some personal allegations against the aforesaid Inquiry Officer. However, learned counsel for the petitioner, on instructions, submits that he shall withdraw all the allegations against the said Inquiry Officer, if the respondents No. 1 and 2 appoint a new Inquiry Officer to proceed with the Charge-sheet dated 9th March, 2018.

6. In view of the submissions of the learned counsels appearing for the parties, I am of the considered view that if the petitioner has some apprehensions that the Inquiry Officer is biased for any reason whatsoever, a new Inquiry Officer may be appointed to continue with the Charge-sheet.

7. Accordingly, as agreed by learned counsel appearing for respondents No. 1 and 2, respondents No. 1 and 2 are directed to withdraw the Inquiry Officer previously appointed and appoint a new Inquiry Officer to conduct the departmental inquiry pending against the petitioner.

8. As admitted by learned counsel for the petitioner, no witness has yet been examined in the inquiry pending against the petitioner.
9. It is made clear that the newly appointed Inquiry Officer shall proceed with the inquiry from the stage, it was pending.
10. With the above directions, the petition and the accompanying applications are accordingly, disposed of.
11. *Dasti.*

SURESH KUMAR KAIT, J

OCTOBER 12, 2018

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