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

+ W.P.(C) 8627/2017

SH. PRIYARANJAN RAJ SINGH Petitioner
Through: Petitioner in person

versus

DELHI METRO RAIL CORPORATION LTD. Respondent
Through: Mr.R.N.Singh, Sr.CGC with
Mr.Vaibhav Pratap Singh, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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23.04.2018

1. The petitioner, who appears in person, has filed two writ petitions bearing Nos. W.P.(C) 8627/2017 and W.P.(C) 6130/2017. Both the petitions are listed today before this court at items No. 2 and 13. W.P.(C) No. 8627/2017 has been filed by the petitioner assailing two separate orders both dated 02.06.2017, passed by the Tribunal in O.A.No.2049/2017 and O.A No.2076/2017.
2. O.A.No.2049/2017 was filed by the petitioner challenging an order dated 08.11.2016 passed by the respondent/DMRC imposing upon him a minor penalty. The said OA was disposed of on 02.06.2017, at the stage of admission, without seeking the presence of the respondent with the following order:-

“The applicant has been imposed penalty of censure vide order dated 08.11.2016. He submitted an appeal against the aforesaid order on 21.11.2016. However, the same has not yet been decided. The applicant submitted that he would be satisfied if directions were given to the respondents to decide his appeal in a time bound manner.

2. *In view of the limited prayer made by the applicant, we dispose of this OA at the admission stage itself without going into the merits of the case and without issuing notices to the respondents with a direction to them to decide the pending appeal of the applicant by means of a reasoned and speaking order within a period of sixty days from the date of receipt of certified copy of this order.”*

3. Thereafter, sometime in the end of May, 2017, the petitioner filed another original application, registered as O.A.No.2076/2017, wherein he had prayed for quashing of an order dated 08.11.2016, issued by the respondent/DMRC imposing a minor penalty of censure on him. The said OA was also disposed of on 02.06.2017, at the stage of admission, without seeking the presence of the respondent with the following order:-

“ Heard the applicant.

2. *The applicant has been imposed punishment of censure vide order dated 08.11.2016. He has filed an appeal against the aforesaid order on 06.12.2016. However, the same has not been decided. The applicant seeks a direction to the respondents to decide his appeal as early as possible.*

3. *In view of the limited prayer made by the applicant, we dispose of this OA at the admission stage itself without issuing notice to the respondents and without going into the merits of this case, with a direction to them to decide the pending appeals of the applicant within a period of sixty days from the date of receipt of a certified copy of the OA. No costs.”*

4. Learned counsel for the respondents points out that prior to the filing of the aforesaid O.A.No.2049/2017 and O.A.No.2076/2017, the petitioner had filed O.A.No.4223/2016, challenging his suspension order dated 14.09.2016 and the minor penalty order dated 08.11.2016 and the said OA is still pending adjudication before the Tribunal. He states that as the respondents were not represented through any counsel before the Tribunal on 02.06.2017 when O.A.No.2049/2017 and O.A.No.2076/2017 were disposed of, the above fact could not be brought to its notice. Though the petitioner had made an averment in para no.7 of both the OAs, that he had filed O.A. No.4223/2016, it appears that the Tribunal was not informed by him that the said O.A. was pending consideration. We are informed that O.A.No.4223/2016 is listed before the Tribunal for arguments on 03.07.2018.

5. On calling upon the petitioner to explain as to how he could have proceeded to file O.A.No.2049/2017 and O.A.No.2076/2017, when O.A.No.4223/2016 filed by him earlier thereto, was still pending adjudication before the Tribunal, he has no explanation to offer except for stating that he had made a reference to O.A.No. 4223/2016 in the subsequent OAs filed by him. That can hardly be of any assistance to the petitioner. Such an act amounts to gross abuse of the process of law. The petitioner was conscious of the fact that O.A.No.4223/2016, filed by him for the same relief was pending adjudication when he had filed two OAs subsequently. He was also aware of the fact that the respondent was not represented before the Tribunal on the date when the impugned orders dated 02.06.2017 came to be passed. He does not deny the fact that O.A.No.4223/2016 is listed before the Tribunal for arguments on 03.07.2018.

6. In the above circumstances, we decline to entertain the present petition for quashing and setting aside the orders dated 02.06.2017 passed by the Tribunal in O.A.No.2049/2017 and O.A.No.2076/2017. The petition is disposed of while reserving the rights of the parties to address arguments on merits in O.A.No.4223/2016. In the interest of justice, the order dated 26.09.2017, passed in the present petition is directed to be placed in the file of O.A.No.4223/2016 for the perusal of the Tribunal.

7. Ideally, the costs ought to be imposed on the petitioner for misusing and abusing the process of law, but we are refraining from doing so this time. The petition is disposed while cautioning the petitioner to be more careful in future.

HIMA KOHLI, J.

PRATIBHA RANI, J.

APRIL 23, 2018

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