

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

Date of Decision: January 10, 2018

+ **W.P.(C) 11493/2017**

RITU PRAKASH SINGHPetitioner
Through: Mr.S. D. Singh, Mr. Rahul Kumar
Singh and Mr. Jitender Singh, Advocates

Versus

NATIONAL HOUSING BANK & ORSRespondents
Through: Mr. Dayan Krishnan, Sr. Advocate
with Mr. Sanjay Kapur and Ms. Megha
Karnwal, Advocates

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

CM No.4686/2017 (Exemption)

Allowed subject to all just exceptions.

W.P.(C) 11493/2017

1. Petitioner who was employed as an Assistant General Manager (SMG-Scale-V) with respondent-bank, has been suspended vide impugned order of 15th December, 2017 upon finding that she did not have the requisite experience at the time of her appointment. Preceding the impugned suspension, an inquiry was held by the respondent-bank and the matter is pending before the Disciplinary Authority for

proceeding further against petitioner.

2. Challenge to the impugned order by learned counsel for petitioner is on the ground that the General Manager of respondent-bank is not a Competent Authority to suspend petitioner. To submit so, attention of this Court is drawn to *National Housing Bank (Officers') Service Regulations, 1997* (hereinafter referred to as '*Service Regulations of 1997*') (Annexure P/7) to point out that Competent Authority is the Chairman, whereas suspension order has been issued by the General Manager. So, it is submitted that impugned suspension order ought to be set aside.

3. On the contrary, learned Senior Counsel for respondent- bank submits that the *Service Regulations of 1997* govern the matters relating to appointment, promotion, leave rules, medical scheme, conveyance scheme, residential accommodation scheme and other perquisites and not the disciplinary matters. It is pointed out that the *Service Regulations of 1997* do not repeal the *National Housing Bank Employees' Regulations, 1994* (hereinafter referred to as '*Regulations of 1994*') (Annexure P/6) which pertains to disciplinary matters. It is pointed out that *National Housing Bank Employees (Discipline and Appeals) Regulations, 1994* notified in the year 1995 deal with the suspension of an employee and as per these Regulations, the Competent Authority in case of petitioner is the General Manager. To submit so, attention of this Court is drawn to the Schedule in Chapter-IV of *Regulations of 1994*. Learned Senior Counsel for respondent-bank has also drawn attention of this Court to the respondent's Board Resolution of 3rd February, 1995 vide which

Competent Authority under the *National Housing Bank Employees' (Conduct) Regulations, 1994* and *National Housing Bank Employees' (Discipline and Appeals) Regulations, 1994* is defined and as per this Board Resolution, the Competent Authority to place an employee under suspension is the Disciplinary Authority. It is thus submitted that the impugned suspension order has been issued by the duly Competent Authority and thus this petition deserves dismissal.

4. Upon hearing and on perusal of impugned suspension order, the *Regulations of 1994 (Annexure P/6)* and *Service Regulation of 1997 (Annexure P/7)*, I find that in disciplinary matters the applicable Regulations are the *Regulations of 1994 (Annexure P/6)* and not the *Service Regulations of 1997 (Annexure P/7)*. It is pertinent to note that *Service Regulations of 1997 (Annexure P/7)* do not relate to disciplinary matters and the *Regulations of 1994 (Annexure P/6)* have not been repealed by the *Service Regulations of 1997 (Annexure P/7)*. In the considered opinion of this Court the impugned order does not suffer from any infirmity and hence this petition is dismissed.

(SUNIL GAUR)
JUDGE

JANUARY 10, 2018
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