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

+ W.P.(C) 337/2019 and CM APPLN. 1591/2019

SOHAN SINGH

..... Petitioner

Through Mr. Michael Peter, Adv.

versus

UNION OF INDIA & ANR

..... Respondents

Through

Mr. Zahid Hanief, Adv. for Mr. Naushad Ahmed Khan, ASC, Civil for R-2 with Mr. Sanjee Kumar, J. A from District Courts, Tis Hazari, Delhi

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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31.01.2019

CM APPLN. 1590/2019

Vide the present petition, the petitioner seeks directions thereby quashing the entire preliminary enquiry vide Departmental Enquiry No. 65281/F-1951/VIG/2018 dated 24.09.2019. He further seeks direction to remove the Enquiry Officer Sh. Manoj Jain as per the law laid down by the Hon'ble Supreme Court, because it has caused prejudice to the petitioner, since the Judge cannot be a witness in his own cause.

As stated by the counsel for the petitioner that Sh. Manoj Jain is one of the witness and he conducted the preliminary enquiry and based upon which the charge sheet has been issued and Enquiry Officer has been appointed.

It is not in dispute that there is no final finding till date, against the

petitioners and Sh. Manoj Jain is not the Enquiry Officer appointed to conduct the regular Departmental Enquiry. Since the charge sheet has been issued against the petitioner, let the petitioner join the departmental proceedings. At this stage, I am not inclined to pass any order against the Departmental Enquiry. If the petitioner has some clinching evidence in his favour he can have the benefit of the same during the Departmental Enquiry.

Pursuant to order dated 21.01.2019, learned counsel appearing on behalf of the respondent no.2 on instructions submits that the documents mentioned at page 101 shall be provided to the petitioner within two weeks.

Let needful be done, accordingly.

The writ petition is disposed of accordingly.

SURESH KUMAR KAIT, J

JANUARY 31, 2019

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