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

+ LPA 788/2019

PRADEEP CHANDER

..... Appellant

Through: Mr. N.S. Dalal, Mr. Manu Kharra and
Ms. T. Banderjee, Advs.

versus

I P G C L

..... Respondent

Through: Mr. R.K. Vats and Ms. Kumari Alka,
Advs.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **24.12.2019**

CM APPL. 55572/2019 (exemption)

1. Exemption allowed, subject to all just exceptions.

2. The application stands disposed of.

LPA 788/2019, CM APPL. 55573/2019

3. The appellant has preferred the present appeal to assail the order dated 19.12.2019, passed by the learned Single Judge in W.P.(C) 12948/2019 & CM APPL. 52785/2019. The appellant has preferred the present writ petition to assail the disciplinary proceedings initiated against him on the ground of competence of the respondent to initiate the said proceedings. The aforesaid application has been preferred to seek stay on the departmental disciplinary proceedings.

4. Learned Single Judge has issued notice both in writ petition and stay application. The appellant has approached this Court with the grievance that the interim stay was not granted by the learned Single Judge. We do not

find any merit in the present appeal. The learned Single Judge is seized of the matter and has issued notice in the writ petition as well as the stay application. In department and service jurisprudence, the normal rule is not to grant the stay since the employee concerned can be put back in the same position by passing appropriate orders, in case, he finally succeeds in the proceedings. In our view, the learned Single Judge correctly did not grant any ex parte stay of the disciplinary against the appellant. Accordingly, the appeal is dismissed.

VIPIN SANGHI, J

SANJEEV NARULA, J

DECEMBER 24, 2019

Pallavi