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

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+ **W.P.(C) 11449/2019 & CM 47057/2019 (stay)**

AANCHAL

..... Petitioner

Through: Mr Sarvesh Bisaria and Mr Anand  
Prakash, Advocates.

versus

HIGH COURT OF DELHI THROUGH

REGISTRAR GENERAL

..... Respondent

Through: Mr Rajat Aneja and Ms Jia Kapur,  
Advocates.

**CORAM:**

**JUSTICE S.MURALIDHAR**

**JUSTICE TALWANT SINGH**

**ORDER**  
**30.10.2019**

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1. The Petitioner is a Judicial Officer facing a disciplinary enquiry. The charge against her is that she manipulated an order sheet dated 30<sup>th</sup> October, 2012 by overwriting the date of '30' as '18', and due to such act of antedating, the complainant in the FIR, on the basis of which the disciplinary proceedings against the charged officer commenced, remained unaware about the order, and could not avail the legal remedy available to him in time.

2. The above enquiry is in progress. As far as the present petition is concerned, the challenge is to an order passed by the Enquiry Officer ('EO') on 28<sup>th</sup> September, 2019, declining the Petitioner's request to summon a Judicial Officer, who dealt with the revision petition, challenging the above

order which forms the subject matter of the FIR, on the judicial side.

3. Learned counsel for the Petitioner insisted that in view of the mandatory language of Rule 14 (17) of the CCS (CCA) Rules, which states that “the witnesses produced by the government servant, shall then be examined and shall be liable to cross-examined...”, it was incumbent upon the EO to have summoned the aforementioned Judicial Officer as a witness.

4. Having considered the above submissions of learned counsel for the Petitioner and having examined the documents placed on record before this Court, it is plain that the attempt by the Petitioner to have a Judicial Officer explain as to what she did on the judicial side in dealing with the revision petition arising out of the order in question, is thoroughly misconceived. The mere fact that Rule 14 (17) of the CCS (CCA) Rules, uses the word ‘shall’ is not intended to take away the discretion of the EO to ascertain if the witness sought to be summoned, is relevant to the enquiry. This Court is satisfied that the said witness was not relevant to the enquiry. The learned EO was fully justified in declining the request.

5. The petition is accordingly dismissed. The pending application is also disposed of. No costs.

**S.MURALIDHAR, J.**

**TALWANT SINGH, J.**

**OCTOBER 30, 2019/*rd***