

\$~14

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

+ W.P.(C) 1264/2019

SH. BABU RAM SAGAR

..... Petitioner

Through Mr.Sarvesh Singh, Adv. with
Mr.K.K. Singh, Ms.Kanika Madan &
Mr.Sanjay Premi, Adv.

versus

LT. GOVERNOR OF NCT OF DELHI AND ANR. Respondents

Through Mr.Yeeshu Jain, ASC with Ms.Jyoti
Tyagi, Adv. for R-1.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

% **01.05.2019**

Vide the present petition, the petitioner seeks direction thereby directing the respondents to decide the representation dated 20.06.2018 of the petitioner for reinstatement in Delhi Khadi & Village Industries Board to the post of "Peon-cum-chowkidar" with full back wages and all consequential benefits.

Learned counsel for the petitioner herein is relying upon office noting which are Annexure E of the petition whereby noted as under:

"Though Honourable High Court and its double bench has closed the chapter, but claimant yet in hope and making representation again and again. He has written to almost all concerned authorities, his representations were filed on the ground that once Honourable High court decided the matter, then nothing remains for

consideration. However, even after the decision of Honourable High Court and its double bench, the Law Department, government of NCT of Delhi in its note dated 24 June 2010(N/11) and 5 May 2011(N/21) clarified that matter is of the administrative nature. Also a senior administrative officer, the then Managing Director, DKVIB in his note dated 17 September 2010 writes, **“there is very weak chance of his reinstatement of Sh. Babu Ram” N/14).** Here is it also considerable that administrative and financial power were delegated to the Managing Director only in 43rd meeting held on 5 December 2007 (C/120).

In view findings of Honourable High Court that the Board could not establish charges framed against the claimant, findings of Honourable Labour Court that the termination of Sh. Babu Ram was illegal and opinion of the Law Department that the matter is of the administrative nature and also minutes of the then Managing Director that there is still very weak chances, the matter was considered sympathetically and an agenda for the consideration of the Board was prepared and approved by the competent authority(N/40). The copy of said agenda is also annexed apposite at C/368-369.

In agenda, considering the application of Sh. Babu Lal sympathetically, a proposal for the reinstatement of Sh. Babu Ram was decided to be placed before the Board with the following with the following proposal:

“ the Board may reinstate Sh. Babu Ram Sagar, Peon-cum-Chaukidar, subject to acceptance of following conditions by him, in for of affidavit:

- a. Sh. Babu Ram Sagar should deposit the compensation amount Rs. 40000.00, along with the interest 6% pa due thereon, to the Board.**
- b. During the termination period, as no work has been done by Sh. Babu Ram Sagar in the Board and he could**

not establish in court that he was unemployed during that period, therefore on the principle of ‘no work- no pay’, in case of joining the service he will not make any claim for pay and allowances for his termination period. However for fixing of pay and allowances, he will be eligible for seniority benefits as per rules.”

The agenda was approved on 5th December 2016. After that the meeting of Board fixed three times, but postponed due to unavoidable circumstances. In the mean time Sh. Babu Ram is making representations/requests to different authorities and requesting for justice regularly. His last representation as forwarded by the Honourable Vice-Chairman, DKVIB desired to decide the matter “Lawfully, Sympathetically & Quickly”, the matters may be circulated among the members of the Board for their consideration and decision. Accordingly, the agenda for consideration of honorable members of the Board is annexed here apposite for approval/further order please.”

Accordingly, the petitioner made representation dated 20.06.18. Learned counsel appearing on behalf of the respondent submits that the representation of the petitioner has to be decided by the Board which comprises of the Chairman, Vice Chairman and other members. However, the post of Chairman and Vice Chairman are lying vacant, therefore, at this stage, the representation of the petitioner cannot be decided.

Keeping in view the situation that the post of Chairman and Vice Chairman are lying vacant, I hereby dispose of the present petition directing the respondents to decide the representation dated 20.06.2018 of the petitioner within four weeks from the date of appointment of the Chairman and Vice Chairman of the Board.

The decision taken shall be communicated to the petitioner in writing

within one week thereafter.

If the petitioner is still aggrieved by the decision to be taken, he is at liberty to challenge the same before the appropriate Forum.

The petition is, accordingly, disposed of.

SURESH KUMAR KAIT, J

MAY 01, 2019
ab