

\$~3

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

Date of decision : 4th September, 2019

+ LPA 127/2019 & CM APPL. 9187/2019-STAY

UNIVERSITY OF DELHI

..... Appellant

Through: Mr. Sachin Dutta, Sr. Advocate
with Mr. Mohinder J.S.
Ruppal, Mr. Hardik Rupal, Mr.
Prang Newmai, Mr. Koushik
Ghosh, Mr. Naman Garg and
Ms. Aditi Shastri, Advs.

Versus

SURESH KUMAR & ORS

..... Respondents

Through: Mr. Sanjoy Ghose and Mr.
Rhishabh Jetley, Advs.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

04.09.2019

%

D.N. PATEL, CHIEF JUSTICE (ORAL)

1. This Letters Patent Appeal has been preferred by the original respondents against the interim order dated 20th December, 2018 passed by the learned Single Judge in WP (C) no. 13829/2018.

2. Having heard counsel for the appellant and looking to the facts and circumstances of the case, it appears that for an alleged

misconduct by the respondent no. 1 (original petitioner), a committee was constituted. The Committee gave a report against the delinquent-employee/respondent no. 1 (original petitioner). This report has been accepted by the appellant and a notice dated 10th December, 2018 has been issued. Thus, it appears that the report of the Committee has been accepted by the appellant and prima facie, it appears that only for the alleged misconduct, notice has been issued, which has been challenged by the respondent no. 1 in WP(C) No. 13829/2018.

3. Counsel for the petitioner submits that this writ petition is still pending before the learned Single Judge and the next date of hearing is 21st October, 2019. The learned Single Judge vide order dated 20th December, 2018 has observed that till further orders the respondent nos. 1 and 2 in the writ petition are restrained to take any action pursuant to the report of the Committee and the Memorandum dated 10th December, 2018.

4. Having heard counsel for the appellant and looking to the facts and circumstances of the case and also looking to the fact that the aforesaid writ petition is still pending, which is against the notice issued by the appellant and after accepting the report of the Committee for the alleged sexual harassment, we see no reason to entertain this Letters Patent Appeal at this stage. We are not going into the details of the fact because the writ petition is still pending. But suffice it to say that report of the Committee has been accepted, prima facie, without giving any opportunity of being heard to the respondent no. 1 (original petitioner).

5. For the aforesaid reasons, this Letters Patent Appeal is hereby dismissed. It is made clear that the aforesaid writ petition will be

decided without being influenced by the order passed by the Division Bench in this Letters Patent Appeal. Miscellaneous application is disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J.

SEPTEMBER 04, 2019

r.bararia

