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

+ **W.P.(C) 2087/2019 & C.M.APPLN. 21800/2019**

MUKESH KUMAR SHARMA

..... Petitioner

Through Mr. M. K. Bhardwaj with Ms.
Priyanka M. Bhardwaj, Advs.

versus

GOVT. OF NCT OF DELHI AND ORS.

..... Respondents

Through Mr. Ramesh Singh, SC, GNCTD with
Mr. Ankur Chibber, Mr. Chirayu Jain
and Mr. Ishat Aggarwal, Advs.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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07.05.2019

CM APPL. 21800/2019

Vide the present application, the applicant/respondent nos. 2 & 4 seeks vacation of order dated 28.02.2019 passed by this court.

In the said application, it is stated that the petitioner is governed by CCS (CCA) rules being a confirmed employee of respondent no.2. Therefore, if an inquiry is to be initiated against the petitioner, the same shall be in terms of rules applicable.

Presently, there is no adverse order against the petitioner.

It is further stated that even otherwise the show cause notice issued to the petitioner is based upon the directions given by the GC and that too as a matter of abundant precaution so as to consider the reply of the petitioner before initiating the departmental proceedings against the petitioner under

rule 14 of the CCS (CCA) Rules. Being that position the present petition is pre mature and is liable to be dismissed on this ground alone.

Learned counsel appearing for the petitioner submits that the show cause notice dated 18.02.2019 is issued based on the internal inquiry report and after considering the reply of the petitioner, the straightway action against the petitioner would be taken.

As per affidavit of respondent nos.2 & 4 in the said application, it is stated that only show cause notice is issued to the petitioner to explain the decision and thereafter if the aforesaid respondent satisfied with the reply, they may drop the proceedings otherwise the departmental inquiry shall be initiated against the petitioner.

I find no fault in the procedure to be adopted by the respondents as it is admitted that the proper departmental inquiry would be initiated under Rule 14 of the CCS (CCA) Rules, if required.

In view of the above, if the respondents will initiate the departmental inquiry under Rule 14 of CCS (CCA) Rules then he withdraws the writ petition.

Keeping in view the fact that only a show cause notice is issued to the petitioner and thereafter if need be, the departmental inquiry may be initiated under Rule 14 of the CCS(CCA) Rules.

The application is allowed and disposed of.

W.P.(C) 2087/2019

Consequently, nothing remains in the present petition and the same is accordingly disposed of.

The pending application also stands disposed of.

It is made clear that if the petitioner file reply to the show cause notice

dated 18.02.2019 within two weeks, the said reply shall be considered by the respondents and a proper order shall be passed as per law.

The date already fixed i.e. 10.07.2019 in the matter stands cancelled.

SURESH KUMAR KAIT, J

MAY 07, 2019

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