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

+ W.P.(C) 610/2012

R.PANDIAN

..... Petitioner

Through

Mr. F. I. Choudhury, Adv.

versus

NATIONAL COUNCIL FOR COOPERATIVE TRAINING (NCCT)
AND ANR

..... Respondents

Through

Mr. J. K. Singh, Mr. Harsh Pandit,
Adv. and Mr. Manish Bhatia, Admn.
Officer for R-1

Mr. Ripu Daman Bhardwaj, CGSC
with Mr. T.P.Singh, Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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31.01.2019

CM APPLN. 22726/2018

On perusal of order sheet dated 01.03.2013, it is evident that the case of the petitioner was taken up with other petitioners in W.P.(C) No. 7289/2011 and batch and the said petitions were dismissed vide order dated 20.03.2017 by this Court. However, the case of the petitioner was left undecided.

Being aggrieved, the petitioners therein challenged the order dated 20.03.2017 in LPA No. 225/2017. The same was allowed vide order dated 21.01.2019 by recording as under:

“Conclusions

47. For the aforementioned reasons this Court sets aside the impugned judgment of the learned Single Judge and issues the following directions:

I. The impugned letters of cancellation of appointments of the following persons are set aside:

(i) Dr.Pranab Baishya, Mr.Hemanta Kumar Das and Mr. Khoichung Rangamlan (Appellants 1 to 3 in LPA 225 of 2017).

(ii) Appellant No.1 (Alok Kumar Sharma), Appellant No.2 (Rajiv Kumar), Appellant No.3 (Mahesh Kumar Verma), Appellant No.4 (Surender Kumar), Appellant No.5 (Amandeep), Appellant No.9 (U Homiga), Appellant No.10 (P Rajabalachandran), Appellant No.12 (G Jayanthi), Appellant No.13 (A Eswaramoorthy), Appellant No.14 (Ravindra D Jadhao) and Appellant No.15 (V Alagu Pandian) in LPA 278 of 2017; and

(iii) S Herojit Singh (Appellant No.1 in LPA 288 of 2017)

II. Each of the persons in para (I) above will be restored their appointments and while they need not be paid arrears of salary for the period when they were not in service, the said period will be treated as a continuation of their service without a break for all other purposes including seniority and emoluments.

III. As regards the remaining Appellants in the aforementioned appeals, each of them will be issued a show cause notice by the Respondents within a period of 4 weeks from today setting out the precise facts concerning their alleged ineligibility supported by the relevant materials which formed the basis of the enquiry proceedings as well as a copy of the enquiry report, be given sufficient opportunity to reply to the show cause notice, and to be heard in person.

IV. The entire exercise as in III above be completed within a period of 3 months from today. Reasoned written

orders will be passed and communicated to each of the said persons by the Respondents and if such persons are aggrieved by such orders it will be open to them to seek appropriate remedies in accordance with law.”

Learned counsel appearing on behalf of the respondents submits that the petitioner being not eligible for the post in question, therefore, his case comes under direction III passed above in LPA 225/2017 dated 21.01.2019.

The issue in the present petition is being similar to those in W.P.(C) No. 7289/2011, therefore, I hereby dispose of the present petition by directing as under:

The petitioner will be issued a show cause notice by the Respondents within a period of 4 weeks from today setting out the precise facts concerning his alleged ineligibility supported by the relevant materials which formed the basis of the enquiry proceedings as well as a copy of the enquiry report, be given sufficient opportunity to reply to the show cause notice, and to be heard in person.

Counsel for the respondent submits that if the Department prefers to challenge the order dated 21.01.2019 in LPA 225/2017, then the fate of the same would be applicable to the present petitioner also.

Counsel for the petitioner does not dispute the same and submits that the order passed by this Court shall be subject to the outcome of the challenge, if any, by the respondent to the order dated 21.01.2019.

In view of the above, the writ petition is disposed of.

SURESH KUMAR KAIT, J

JANUARY 31, 2019/gb