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

+ W.P.(C) 5137/2019

MS. NIDHI CHAUDHARY

..... Petitioner

Through: Mr Mukesh Kumar Sinha, Ms
Priyanka Kakkar and Ms Priyanka
Jain, Advocates.

versus

UNION OF INDIA AND ANR.

..... Respondents

Through: Mr Ripu Daman Bhardwaj, CGSC
with Mr Pradeep Jha, Advocate for
UOI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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13.05.2019

CM No.22790/2019

1. Allowed, subject to all just exceptions.

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2. The petitioner has filed the present petition, *inter alia*, praying that respondent no.1 be directed to conduct a departmental inquiry/preliminary inquiry against respondent no.2 and take an appropriate action.

3. The petitioner alleges that respondent no.2 had committed offences under Sections 493, 494, 498A, 376 of Indian Penal Code, 1860 (hereafter 'IPC') and the petitioner has already filed an FIR in respect of the said offences (FIR No.515/2015). It is stated that a charge sheet dated 16.07.2015 was filed against respondent no.2 and on 10.08.2016, the

concerned Court has also framed charges under Section 376 and 493, IPC and in the alternative under Section 494, IPC. The trial in respect of the said offences is currently underway.

4. The petitioner states that a complaint in this regard has also been filed with respondent no.1 for initiating departmental enquiry. However, no departmental action has been taken against respondent no.2 even though the allegations made by the petitioner clearly indicate that respondent no.2 has violated the Central Civil Services (Conduct) Rules, 1964.

5. There are two relevant aspects to be noted. First, that the matter regarding taking any disciplinary action against respondent no.2 is essentially, a matter between the employer and respondent no.1. And, second the question whether the said offences had been committed by respondent no.2 is yet to be established in a trial.

6. In view of the above, the present petition is disposed of by directing respondent no.1 to consider the matter and initiate appropriate action as considered appropriate. It is also clarified that respondent no.1 would not be precluded from awaiting the final verdict in the criminal case pending against respondent no.2, before initiating any departmental proceedings.

7. The petition is disposed of.

VIBHU BAKHRU, J

MAY 13, 2019

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