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

+ W.P.(C) 1713/2018 & C.M.No.7131/2018

THE STATESMAN LIMITED Petitioner

Through Mr.Manan Shishodia, Adv.

versus

GOVT. OF NCT OF DELHI & ORS Respondent

Through Mr.Shadan Farasat, ASC with
Ms.Rudraksh Deo & Mr.Hafsa Khan, Advs for
GNCTD.

Mr. Kriti Nath Jha (R-3) in person.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **14.02.2019**

1. Vide the present petition, the petitioner seeks setting aside of the order dated 22.12.2017 passed by the respondent no.2, which is the competent authority under the Working Journalist & Other Newspaper Employees (Conditions of Service & Miscellaneous Provisions Act, 1955) as also the consequential recovery certificate dated 26.12.2017.

2. Learned counsel for the petitioner states that without prejudice to the other grounds on which the impugned order has been challenged before this Court, there are various glaring factual errors in the impugned order on which ground alone the order is liable to be set aside.

3. Upon notice being issued, the respondent nos.1 & 2 have filed their counter affidavit, wherein it has been categorically stated by

respondent no.2 that there are some inadvertent errors in the order dated 22.12.2017. It may be appropriate to refer to para 7 of the counter affidavit, which reads as under:-

“7. I say that on perusal of the case file and contents of the Finding dated 22.12.2017 and Recovery Certificate dated 26.12.2017, it has been observed by the answering Respondent No.1 &2 that some errors have inadvertently crept into the Finding dated 22.12.2017.”

4. The respondent no.3, who appears in person also states that even though the impugned order is in his favour, the said order contains various factual errors and refers to submissions of parties, who are not connected with the lis. He also, therefore, prays that the impugned order be set aside.

5. I have considered the submissions of the learned counsel for the parties and perused the record. In my view, the respondent no.2 himself is conscious of the position that the impugned order contains various factual errors and the respondent no.3 i.e. the beneficiary of the impugned order also prays that the said order be set aside, interest of justice demands that the impugned order be set aside and the matter be remanded back to respondent no.2 for a fresh determination.

6. For the aforesaid reasons, the impugned order dated 22.12.2017 as also the consequential recovery certificate dated 26.12.2017 are set aside and the matter is remanded back to the respondent no.2. The respondent no.2 is directed to take expeditious steps to decide the issue afresh after granting due opportunity of hearing to the petitioner as also to the respondent no.3 for which purpose appropriate notices be issued to them.

8. The writ petition is disposed of alongwith pending application in the aforesaid terms.

REKHA PALLI, J

FEBRUARY 14, 2019

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