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

+ **W.P.(C) 894/2017 & C.M. No. 4129/2017**

DIRECTOR DEPARTMENT OF WOMEN & CHILD
DEVELOPMENT AND ORS

..... Petitioner

Through: Mr. V. Balaji with Ms. Sripradha
Krishnan, Advs.

versus

JAIBIR ANTIL

..... Respondent

Through:

+ **W.P.(C) 3441/2017 & C.M. No. 15080/2017**

GOVT. OF NCT OF DELHI & ORS

..... Petitioner

Through: Ms. Ruchira Gupta, Adv.

versus

SAIRA BANO

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

21.02.2019

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1. These two writ petitions have been preferred by the GNCTD and the concerned departments of GNCTD. The GNCTD is aggrieved by the orders passed in respective Original Applications preferred by the respondents in the two petitions. The respondent in W.P. (C.) No. 894/2017 – Jaibir Antil preferred O.A. No. 100/1232/2014, which was decided in his favour on 10.08.2016. The respondent in W.P. (C.) No. 3441/2017 – Saira Bano preferred O.A. No. 100/1552/2014, which was decided in her favour on 21.10.2016.

2. The story in both the cases is more or less the same. The respondent/

applicant in W.P. (C.) No. 894/2017 was appointed as Officer – in – charge/ Superintendent, on contract basis in the month of January, 2013 with seven other candidates and was posted at OHB-II, Kingsway Camp, Delhi. The respondent/ applicant in W.P. (C.) No. 3441/2017 was appointed as House Aunti in Social Welfare Department of GNCTD and was posted in the Home for Children in Village Cottage Home – I, Kasturba Niketan, Lajpat Nagar – II, New Delhi.

3. Against both the respondents/ applicants, the GNCTD and the concerned department passed orders of termination of their service. The termination orders dated 11.11.2013, passed against Jaibir Antil (respondent in W.P. (C.) No. 894/2017), reads as follows:

“On recommendation of the Inquiry Report submitted by Dy. Director (CPU) regarding escape of inmates from OHB-II, Kingsway Camp, Delhi & subsequent approval of the same, the services of Shri Jaiveer Antil, Night Supdt. (on contract) working in OHB-II, Kingsway Camp is hereby terminated with immediate effect”.

4. Similarly, the termination orders dated 01.04.2013 in respect of Smt. Saira Bano in W.P. (C.) No. 3441/2017 reads as follows:

“On being proved that work and conduct of Smt. Saira, House Aunti presently working in VCH-I, Lajpat Nagar – II, New Delhi is not be satisfactory with serious lapses of dereliction of duty, regular absentee, extension of leave, making the children work, instilling fear in the children, are extremely negative attitude for a person holding the post of House Aunti. The fact that she has not been given the charge of Kati and placed as reliever also revealed the lack of faith reposed in her. Since, the lapse on the part of Smt. Saira, House Aunti is serious in nature, hence the Competent Authority has decided to terminate

her services with immediate effect.

The issues with approval/ direction of HOD vie U.O. no. 5812 dated 22.03.2013 and Joint Director (Admn.) U.No. 858 dated 30.03.2013.”

5. The Tribunal has allowed the Original Applications on the premise that the termination orders are stigmatic and have been passed without holding an inquiry.

6. It goes without saying that when termination of employees' services is by way of a punishment, the same has to be preceded by an inquiry in compliance with the discipline rules and principles of natural justice. Even in the case of a probationer or a contractual employee, if the termination is stigmatic, the same has to be preceded by an inquiry in accordance with the rules.

7. Thus, the impugned orders passed by the Tribunal in both the aforesaid cases are completely justified and do not call for interference.

8. The writ petitions are, accordingly, dismissed.

VIPIN SANGHI, J

A. K. CHAWLA, J

FEBRUARY 21, 2019

N.Khanna