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

+ LPA 82/2020

SHALINI SINGH

..... Appellant

Through: Mr. Ravi Kumar, Mr. Anil Jaryal
Thakur and Mr. Sandeep Pratap
Singh, Advs.

versus

UNITED INDIA INSURANCE CO LTD & ORS

..... Respondent

Through: Mr. Vineet Malhotra and Mr.
Shubhendu Kaushik, Advs.
Mr. Manish Mohan and Ms. Manisha
Saroja, Advs. for R-4.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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14.02.2020

C.M. No. 5842/2020

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

LPA 82/2020 and C.M. No. 5841/2020

Issue notice. Learned counsel for the respondents accepts notice, including for respondent No.5 who is proposed to be added as a party respondent in the writ proceedings.

The present appeal is directed against the order dated 30.01.2020 by the learned Single Judge in C.M. No. 32136/2019, whereby the appellant/petitioner's application for impleadment of respondent No.5 herein as a party respondent has been rejected.

The appellant has preferred the aforesaid writ petition, which is pending consideration before the learned Single Judge. The dispute relates to the posting of respondent No.3 above the petitioner in the same office. The petitioner has impleaded in the writ proceedings, the Chief General Manager – United India Insurance Company Limited as respondent No.2. At the relevant point of time, respondent No.5 herein, namely Mrs. Subbiah Kalaiveni was holding the said post of Chief General Manager – United India Insurance Company Limited. In the writ proceedings, the petitioner has made certain allegations of personal malafides against respondent No.2. During the pendency of the writ proceedings, Mrs. Subbiah Kalaiveni, the proposed respondent No.5 has been transferred out. The petitioner, accordingly, moved the aforesaid application to seek impleadment of Mrs. Subbiah Kalaiveni as a party respondent in her personal capacity.

By the impugned order, that application has been rejected by the learned Single Judge.

We have heard learned counsels for the parties. Though it is argued by learned counsel for the respondent that the allegations of malafides are not specific, we are of the view that that is an aspect to be considered by the learned Single Judge while dealing with the writ petition. At the same time, it cannot be said that there are no allegations against respondent No.5 of personal malafides.

Accordingly, we are of the view that the appellant's applications for impleadment of Mrs. Subbiah Kalaiveni as a party respondent should have been allowed, so as to obviate any objection or difficulty in the hearing of the petition at a later stage, in case, upon examination, the allegations against her were not found to be sufficient. Accordingly, we allow the present appeal and direct the impleadment of respondent No.5 as a party respondent in the writ proceedings.

Mr. Malhotra has put in appearance on behalf of the said respondent. He seeks 10 days time to file an affidavit to meet the allegations filed against respondent No.5. We, accordingly, grant 10 days time to respondent No.5 to file the counter-affidavit in the writ proceedings. Rejoinder, thereto, be filed within 2 weeks.

The proceedings are listed before the learned Single Judge on 20.02.2020. We leave it to the parties to advance their submissions before the learned Single Judge on the said date, including on the interim application.

The appeal stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

SANJEEV NARULA, J

FEBRUARY 14, 2020

N.Khanna