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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Decided on: 27.09.2021

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W.P.(C) 9112/2021 & CM No. 28364/2021

GOVT OF NCT OF DELHI & ANR

..... Petitioners

Through: Mrs Avnish Ahlawat standing counsel
GNCTD services with Mrs Tania
Ahlawat, Mr Nitesh Kumar Singh and
Ms Palak Rohemetra, Advs.

versus

DR J C PASSEY

..... Respondent

Through: Mr. Naresh Kaushik with Mr. Anand
Singh and Mr. Abhishek Verma,
Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE TALWANT SINGH

[Physical Hearing]

RAJIV SHAKDHER, J. (ORAL)

1. This writ petition is directed against the interim order dated 13.07.2021, passed by the Central Administrative Tribunal (in short, "the Tribunal") in O.A. No. 1244/2021.
2. This writ petition had come up for hearing before this Court, for the first time, on 27.08.2021, when we had recorded the following, insofar as the writ petition and interlocutory application were concerned.

2.1. However, we may note that, a typographical error has, inadvertently, crept in paragraph 5.1 of the order dated 27.08.2021, inasmuch as the date of superannuation is noted as 30.06.2020, whereas it should have been recorded as 30.06.2021.

2.1(a) The order dated 27.08.2021 shall stand corrected, to that extent. The remaining parts of the said order shall remain unaltered.

2.2. The corrected version of order dated 27.08.2021 is extracted hereafter:

“ 2. This writ petition is directed against the interim order dated 13.07.2021, passed by the Central Administrative Tribunal (in short ‘the Tribunal’) in OA No. 1244/2021.

3. Ms. Avnish Ahlawat, who appears for the petitioners, says that, via the impugned order, the Tribunal has not only stayed the operation of the charge memo issued against the respondent [i.e., the original applicant] but has also directed the release of the retirement benefits.

4. While going through the record, we find that several documents filed are illegible. In particular, the audit report filed on behalf of the petitioner.

4.1. Ms. Ahlawat says that, she will place on record of the Court typed copies of the documents, which are illegible, which would include the audit report.

5. We may note that, the charge memo, dated 29.06.2021, was issued to the respondent one day before his superannuation.

5.1 We are told that, the respondent superannuated on 30.06.2021.

5.2. It is not in dispute that, the aforementioned charge memo concerns the event, which occurred in August-September, 2010, when the respondent functioned as the Procurement Officer in Lok Nayak Hospital, Govt. of NCT of Delhi. [See page 73 of the paper book.]

5.3. The allegation made against the respondent is that, he approved the purchase of plastic pallets [which is used for preserving medical equipment], at a rate of Rs. 8,500/- per unit, whereas, according to the petitioner, the approved rate was Rs. 2,800/- per unit. [See page 74 of the paper book.]

6. We will examine these aspects raised in the writ petition on the next date of hearing.”

2.3. As noticed hereinabove by us on 27.08.2021 [which is, something that the record also shows], via the impugned order, the Tribunal has interceded in the matter at charge memo stage, and also directed the release of retirement benefits to the respondent.

3. We are told that, a contempt petition has also been filed by the respondent to enforce the interim direction, which was issued by the Tribunal, vide the impugned order, insofar as the payment of retirement benefits is concerned.

4. Mr. Naresh Kaushik, who appears on behalf of the respondent, says that, some part of the retirement benefits has been disbursed to the respondent.

4.1. It is not disputed by Mr. Kaushik that, a contempt petition is pending before the Tribunal, for compliance with the impugned interim order dated 13.07.2021, which includes payment of the balance retirement benefits.

5. Mr. Kaushik says that, the best course forward in the matter would be, to direct the Tribunal to dispose of the main matter i.e., the Original Application [O.A.], since pleadings in the O.A. are complete.

5.1. Mrs. Avnish Ahlawat says that, as long as the interim order dated 13.07.2021, with regard to the payment of retirement benefits, is not pressed further, she can have no objection to such a direction being issued.

6. Accordingly, the writ petition is disposed of, with a direction to the Tribunal to dispose of the O.A., i.e., O.A. No.1244/2021, and pending the disposal of the O.A., the direction contained in the order dated 13.07.2021,

passed by the Tribunal, with regard to further payment of retirement benefits, shall remain suspended.

6.1. In other words, the contempt petition filed by the respondent [as referred to hereinabove] that is pending before the Tribunal, will not proceed further till the disposal of the O.A.

7. Needless to add, nothing stated by us hereinabove shall impact the merits of the matter.

8. Consequently, pending application shall also stand closed. The case papers shall stand consigned to the record.

RAJIV SHAKDHER, J

TALWANT SINGH, J

SEPTEMBER 27, 2021/mr

[Click here to check corrigendum, if any](#)