



\$~34

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

%

Date of decision: March 07, 2022

+

LPA 168/2022 & CM APPLN. 11462-63/2022

K. Z. KHAN

..... Appellant

Through: Mr. Rakesh Kumar, Advocate

Versus

NATIONAL COMMISSION FOR WOMEN AND ORS.

..... Respondents

Through: Mr. Vivek Kumar Goyal &
Mr. Bibhash Kumar Sharma,
Advocates for respondents No.1 to 3
Mr. Sidharth Khatana, Senior Panel
Counsel & Mr. Sahaj Garg, Advocate
for respondents No. 4 to 6

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

J U D G M E N T (oral)

1. The present appeal has been preferred by the appellant seeking the setting aside of interim order dated 24.02.2022 passed in W.P.(C) No. 2622/2022 and a direction to the respondents to permit the appellant to resume office as Private Secretary to the Chairperson, National Commission for women, during pendency of the aforesaid writ petition.
2. Issue notice.



3. Mr. Vivek Kumar Goyal, learned counsel appearing on behalf of respondents Nos.1 to 3 and Mr. Sidharth Khatana, learned counsel appearing on behalf of respondents Nos. 4 to 6 accept notice.
4. The case of the appellant is that impugned order dated 24.02.2022 has not stayed the operation of Office Order No. 12/2021-22/Establishment dated 02.02.2022, whereby the appellant has been repatriated to his parent department from the National Commission for Women. The appellant has filed the present appeal on the ground that as per Para-9 of Office Memorandum bearing F.No. 2/6/2016-Estt.(Pay-II)dated 17.02.2016 issued by the Government of India, Ministry of Personnel, Public Grievances & Pensions, Department of Personnel and Training, which says that in case of premature reversion of a deputationist to their parent cadre, advance notice of at least three months is to be given to the lending Ministry/Department and to the employee concerned; whereas in the present case, such notice has not been given to the appellant or to the department.
5. It is not in dispute that, all else apart, the remaining deputation period for the appellant is only of about one month; and that the deputationist also already stands relieved by Office Order dated 02.02.2022.



6. Learned counsel appearing on behalf of the respondents have also urged that Office Order dated 02.02.2022 is a letter *simpliciter* relieving the appellant from deputation as Private Secretary in the National Commission for Women and no stigma would be caused to the appellant by way of the said order.
7. In view of the above, especially since the appellant has already been relieved from the said deputation and assigned to his parent department; and also since writ petition bearing W.P.(C) No. 2622/2022 is still pending consideration before the learned single Judge, we are not inclined to interfere with interim Order dated 24.02.2022 passed by the learned single Judge.
8. The appeal is accordingly dismissed.
9. Pending applications, if any, also stand disposed of.

(SURESH KUMAR KAIT)
JUDGE

(ANUP JAIRAM BHAMBHANI)
JUDGE

MARCH 07, 2022/r