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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of decision: 20th February, 2023

+ W.P.(C) 409/2023 & CM APPL. 1664/2023

HC/M KUSHALVEER SINGH

..... Petitioner

Through: Mr. Kunwar Arish Ali, Mr.
Yasser Ali, Mohd. Ahmad, Mr.
Zubair Ali, Mr. S.M. P, & Mr.
M. Raja, Advocates.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. J.P.N. Shai, Sr. Panel
Counsel for respondents.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

1. Vide the present petition, the petitioner is seeking following reliefs:

“To issuance of a writ of certiorari for quashing of the circular order no. 07/2018 (AMENDMENT OF CO. 05/2011) vide no. S.XII.1/2018-LAW-DA-VII dated 23/05/2018 issued by the respondent no.2, memorandum no. P-VIII-1/2022 ESTT. II dated 08/04/2022, office order no. P.VIII-01/2022-GC SPT-EC-II dated 22/04/2022 and office order P-VIII-02/2022-ESTT.-II dated 23/11/2022 issued by the respondent no.5 in the interest of justice.

(b) To issue a writ of Mandamus directing the respondent to provide the defense assistant to the petitioner for the departmental inquiry in the interest of justice”

2. Learned counsel appearing on behalf of the respondents submits that the respondents have suggested four names to the petitioner from whom, one

is to be appointed as a Defence Assistant to assist the petitioner for the Departmental Inquiry.

3. Learned counsel for the petitioner submits that all four suggested persons have not given the willingness to participate in the Departmental Inquiry proceedings.

4. We hereby dispose of the present petition directing the respondents to select another four names and also to seek their willingness to participate as a Defence Assistant for the petitioner in the Department Inquiry proceedings. The option to choose any one name out of four names, shall be exercised by the petitioner.

5. Accordingly, the present petition is disposed of along with pending application.

6. The Departmental Inquiry against the petitioner shall remain stayed till the Defence Assistant is appointed.

(SURESH KUMAR KAIT)
JUDGE

(NEENA BANSAL KRISHNA)
JUDGE

FEBRUARY 20, 2023

S.Sharma