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

+ **W.P.(C) 4936/2024 & CM APPL. 20214/2024**

**DR AMRITA SINGH**

..... Petitioner

Through: Mr. Sudhir Nandrajog, Sr. Advocate  
with Mr. Tushar Agarwal and Mr.  
Arun Kumar, Advocates.

versus

**UNION OF INDIA AND ANR.**

..... Respondents

Through: Mr. Anurag Ahluwalia, CGSC with  
Mr. Tarveen Singh Nanda, GP for  
UoI.

**CORAM:**

**HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD**

**ORDER**

**17.05.2024**

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1. Petitioner has approached this Court with the following prayers:

*“a) CALL FOR DETAILED STATUS REPORT FROM  
THE RESPONDENT NO. 1 & 2 REGARDING  
ACTION TAKEN PURSUANT TO THE  
COMPLAINT/REPRESENTATION ADDRESSED BY  
THE PETITIONER; AND/OR*

*b) ISSUE WRIT IN THE NATURE OF MANDAMUS  
OR ANY OTHER WRIT /ORDER/DIRECTION OF  
SIMILAR NATURE DIRECTING THE RESPONDENT  
NO. 2 TO SUSPEND & INSTITUTE THE  
DISCIPLINARY ENQUIRY AGAINST SHRI SHYAM  
JAGANNATHAN, THE DIRECTOR GENERAL OF  
SHIPPING, MUMBAI OWING TO HIS  
PROFESSIONAL MISCONDUCT IN BLATANT  
VIOLATION OF CENTRAL CIVIL SERVICES*



*(CONDUCT) RULES, 1964; AND/OR*

*c) ISSUE WRIT IN THE NATURE OF MANDAMUS OR ANY OTHER WRIT/ORDER/DIRECTION OF SIMILAR NATURE DIRECTING THE RESPONDENT NO. 1 TO ASSIGN THE PENDING APPEAL REGARDING THE DEMISE OF THE HUSBAND OF THE PETITIONER LATE SHRI SANJAY CHAUDHARY (EX-CHIEF ENGINEER) AND ALL OTHER MISCELLANEOUS APPLICATIONS FILED BY THE PETITIONER TO A COMPETENT & IMPARTIAL AUTHORITY OTHER THAN THE CURRENT DIRECTOR GENERAL OF SHIPPING, MUMBAI SHRI SHYAM JAGANNATHAN IN VIEW OF HIS PROFESSIONAL MISCONDUCT AND TO ENSURE EARLY, EFFICIENT, EFFECTIVE & FAIR DISPOSAL OF PENDING APPEAL AND ALL PENDING APPLICATIONS/REPRESENTATIONS FILED BY THE PETITIONER & ALL THE PENDING LETTERS/REPRESENTATIONS OF THE INVESTIGATING AGENCY IN RELATION TO THE DEMISE OF THE HUSBAND OF THE PETITIONER WITHIN A PERIOD OF 15 DAYS;*

*d) PASS ANY FURTHER ORDER(S) WHICH THIS HON'BLE COURT MAY DEEM FIT IN THE INTEREST OF JUSTICE."*

2. It is very fairly stated by the learned Counsel for the Petitioner that as of today he is pressing only prayer (c).
3. The facts, in brief, leading to the present Writ Petition are that the Petitioner's husband passed away on 17.04.2018 due to sudden cardiac arrest while he was sailing on the high seas. Material on record discloses that complaints have been filed by the Petitioner regarding harassment of her husband which lead to his death. It is stated that on the complaint of the



Petitioner, a preliminary enquiry was conducted by the CBI and that on the grievances raised by the Petitioner, the concerned authorities have held in favour of the Petitioner, however, in appeal, the orders passed by the first authority have been set aside by the Appellate Authority. The Petitioner, therefore, filed an appeal before the Director General of Shipping under Rule 19 of the Merchant Shipping (Maritime Labour) Rules, 2016, which is still pending.

4. Material on record indicates that the Petitioner has made several allegations against Director General of Shipping and the Director General of Shipping has also expressed its inhibitions in entertaining the appeal.

5. Section 7 of the Merchant Shipping Act, 1958 reads as under:

*“Section 7. Director-General of Shipping.*

*(1) The Central Government may by notification in the Official Gazette, appoint a person to be the Director-General of Shipping for the purpose of exercising or discharging the powers, authority or duties conferred or imposed upon the Director-General by or under this Act.*

*(2) The Central Government may, by general or special order, direct that any power, authority or jurisdiction exercisable by it under or in relation to any such provisions of this Act as may be specified in the order shall, subject to such conditions and restrictions as may be so specified, be exercisable also by the Director-General or by such other officer as may be specified in the order.*

*(3) The Director-General may, by general or special order, and with the previous approval of the Central Government, direct that any power or authority conferred upon or delegated to, and any duty imposed*



*upon, the Director-General by or under this Act may, subject to such conditions and restrictions as he may think fit to impose, be exercised or discharged also by such officer or other authority as he may specify in this behalf.”*

6. Section 7 provides that the Central Government can confer or delegate the authority of the Director General to such other officer or authority.

7. In the special facts of this case, in view of the fact that there are personal allegations against the Directorate General of Shipping and the Director General of Shipping has himself expressed inhibitions from entertaining the appeal, this Court, without exercising its opinion on the nature of complaints and in view of the principle of natural justice, is of the opinion that the Central Government should exercise power under Section 7(3) of the Act to appoint any other officer to hear the appeal filed by the Petitioner.

8. With these directions, the Writ Petition is disposed of along with the pending applications, if any.

**SUBRAMONIUM PRASAD, J**

**MAY 17, 2024**

*Rahul*