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

+ **W.P.(C) 9125/2024 & CM APPL. 37329-31/2024**

MUNICIPAL CORPORATION OF DELHI

.....Petitioner

Through: Ms. Sriparna Chatterjee, Standing
counsel for MCD

Versus

RAM CHARAN R.C. MEENA & ORS.

.....Respondents

Through: Mr. M.K. Bhardwaj with Mrs.
Priyanka Bhardwaj and Mr. Mugesh,
Advocates
Mr. Ravinder Agarwal, Advocate for
R-3

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

08.07.2024

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1. The present petition has been filed by the petitioner under Articles 226 and 227 of the Constitution of India seeking a direction in the nature of certiorari setting aside the impugned order dated 01.01.2023 passed in OA No. 3830/2022 and consequently, dismissed the original application.
2. The background of the case is that vide order dated 10.09.2013, the petitioner herein had passed a penalty order in regular disciplinary proceedings No.1/322/2006 imposing punishment of stoppage of two increments for a period of two years against the respondent No.1.
3. Being aggrieved, respondent No.1 preferred an appeal against the order dated 10.09.2013 before the appellant authority/Lieutenant Governor



which was rejected vide order dated 13.03.2024. Thereafter, he preferred a review petition under regulation 16 of the Delhi Municipal Corporation Services (Control and Appeal) Regulations, 1959 & a subsequent supplementary revision petition dated 08.03.2022 was also filed by him. However, these review petitions were not taken up by the petitioner herein.

4. The respondent No.1 herein thereafter filed an O.A. No.3830/2022 before learned Central Administrative Tribunal (Tribunal) seeking directions to the petitioners to dispose of his review petition dated 12.08.2021 and reminder dated 08.03.2022 in a time-bound manner.

5. Learned Tribunal vide order dated 02.01.2023 in O.A. No.3830/2022 directed the competent authority to dispose of the said review petition dated 12.08.2021 and the reminder dated 08.03.2022 within a period of eight weeks from the date of receipt of the copy of the order. However, the said order has not been complied with, by the petitioner and so, a contempt petition has been preferred by the respondent No.1 seeking compliance of the order passed by learned Tribunal, which is pending adjudication.

6. Learned counsel appearing for the petitioner-MCD submits that as per Section 16(i)(iii) of the Delhi Municipal corporation Services (Control and Appeal) Regulations, there is no provision of review once the appeal is rejected. Therefore, the order passed by the learned Tribunal cannot be complied with, as the appeal filed by respondent No.1 has already been rejected.

7. Learned counsel appearing for the respondents has drawn the attention of this Court to the order dated 08.04.2024 in CP 50/2024 wherein the petitioner herein had sought time to file the compliance affidavit. He further submits that petitioner had also sought further time before the



learned Tribunal to comply with order dated 02.01.2023.

8. It is pertinent to mention here that the appeal (O.A. No.3830/2022) filed by the respondents was not adjudicated upon by the learned Tribunal, as the learned Tribunal while disposing of the appeal vide impugned order observed that the Tribunal did not enter into the merits of the case and directed the competent authority to pass an appropriate and reasoned order.

9. Since the provision for the review is not available in view of Section 16(i)(iii) of the Delhi Municipal corporation Services (Control and Appeal) Regulations, 1959 as stated by the learned counsel for the petitioner, we hereby direct Registry to remand the present case to learned Tribunal to adjudicate the same on merits.

10. The parties are accordingly directed to appear before the learned Tribunal on 18.07.2024 for directions.

11. With directions as aforesaid, the present petition and pending applications are accordingly disposed of.

SURESH KUMAR KAIT, J

GIRISH KATHPALIA, J

**JULY 8, 2024/
rk/r**