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

+ W.P.(C) 14500/2023 AND CM APPL. 57528/2023 -Int. Dir.

DR NISHI TIWARI

..... Petitioner

Through: Mr. Sourabh Ahuja, Advocate.

versus

DISTRICT MAGISTRATE SOUTH WEST AND ORS

..... Respondents

Through: Mr. Nitesh Kumar Singh, Advocate.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

16.04.2024

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1. On 01.03.2024, this Court, after considering the submissions of learned counsel for the petitioner, had granted time to learned counsel for the respondent to obtain instructions as to whether Ms. Kavita Singh, the Central Administrator, on whose complaint the petitioner was refused re-engagement, had herself been removed from service on the basis of complaints levied against her.
2. Today, learned counsel for the respondents concedes that Ms. Kavita Singh has been removed from service on the basis of complaints against her. He, however, contends that the petitioner cannot be re-engaged, at this stage, as some other person already stands engaged by the respondents in her place.
3. At this stage, Mr. Ahuja, fairly submits that in view of this stand taken by the respondents, the petitioner will not insist on re-



joining the service of the respondents. He, however, prays that in the light of these developments, it may be made clear that the non-extension of the petitioner's engagement was not on account of any complaints against her.

4. Learned counsel for the respondent has no objection to this limited request.

5. In the light of the aforesaid, once it is clear that Ms. Kavita Singh, the Central Administrator, on whose complaints the petitioner was earlier denied re-engagement, has herself been removed from the service on the basis of complaints made against her, there is no reason to disregard the petitioner's plea that her work was found to be satisfactory both by the SDM and the DM (South West) who had issued commendation certificates to her. We are, therefore, of the view that in the light of this subsequent position, the impugned order, insofar as it records findings of complaints against the petitioner by the Central Administrator, deserves to be set aside. Similarly, pleas in this regard in the counter affidavit filed by the respondent also deserve to be expunged.

6. For the aforesaid reasons, we allow the writ petition partly, by directing that the findings against the petitioner regarding the complaints made against her by Ms. Kavita Singh, would stand quashed alongwith the observation in the counter affidavit regarding the purported complaints made against her by Ms. Kavita Singh. It is, thus, made clear that any observations against the petitioner regarding the complaints made by Ms. Kavita Singh will not come in her way of seeking any fresh employment as per rules.



7. At this stage, learned counsel for the petitioner submits that there are some unpaid bills of the petitioner which are required to be cleared by the respondents. Even though, we do not deem it necessary to delve into this issue, we grant liberty to the petitioner to submit a representation to the respondents in this regard with a direction to them to consider the same by passing a reasoned and speaking order within a period of four weeks.
8. In case the petitioner is aggrieved by the said order, it will be open for the petitioner to seek legal recourse as permissible in law.
9. The writ petition stands disposed of in above terms.

REKHA PALLI, J

DR. SUDHIR KUMAR JAIN, J

APRIL 16, 2024

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