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

% *Date of decision: 20th August, 2024*

+ W.P.(C) 11464/2024 & CM APPL.47547-49/2024

MUNICIPAL CORPORATION OF DELHIPetitioner

Through: Ms. Sriparna Chatterjee, Standing
Counsel

Versus

RAM CHARAN R.C. MEENA & ANR.Respondents

Through: Mr.M.K. Bhardwaj, Ms. Priynaka
Bhardwaj & Mr. Mugesh, Advocates

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE GIRISH KATHPALIA

J U D G M E N T (oral)

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 02.01.2023 passed in OA No. 3832/2022 and consequently, dismissed the original application.
2. The background of the case is that vide order dated 24.05.2010, the petitioner had passed a penalty order in regular disciplinary proceedings No.1/125/2006 imposing punishment of stoppage of two increments for a period of two years against respondent No.1.
3. Being aggrieved, respondent No.1 preferred an appeal against the order dated 24.05.2010 before the appellant authority/Lieutenant Governor, who vide order dated 02.09.2011, modified the order dated 24.05.2010 to the extent that time scale of pay of petitioner was reduced by two stages for



1 year.

4. The respondent No.1 preferred a review petition under Regulation 16 of the Delhi Municipal Corporation Services (Control and Appeal) Regulations, 1959 which was dismissed being not admissible under the extant rules.

5. Thereafter, respondent No.1 preferred another representation dated 13.09.2019 to the Commissioner, SDMC against the order of penalty which was also rejected in view of rejection of his appeal/review petition.

6. Respondent No.1 preferred another review petition on 28.07.2021 which was also rejected.

7. The respondent No.1 herein thereafter filed O.A. No.3832/2022 before learned Central Administrative Tribunal (Tribunal) seeking directions to the petitioners to dispose of his review petition dated 28.07.2021 on merits by passing a speaking and reasoned order.

8. Learned Tribunal vide order dated 02.01.2023 in O.A. No.3832/2022 directed the competent authority to dispose of the said review petition dated 28.07.2021 within a period of eight weeks from the date of receipt of the copy of the order. However, the said order was not complied by the petitioner and so, a contempt petition was preferred by respondent No.1, which is said to be pending adjudication.

9. Learned standing counsel appearing for the petitioner-MCD submits that the issue(s) raised in this petition and W.P.(C) 9125/2024 are similar and same order can be passed in this petition.

10. The aforesaid submission is not opposed by learned counsel for respondents.

11. Pertinently, this Court while disposing of W.P.(C) 9125/2024 vide



order dated 08.07.2024 has observed that in view of Section 16(i)(iii) of the Delhi Municipal corporation Services (Control and Appeal) Regulations, 1959, provision for the review is not available. Having observed above, this Court remanded the said petition to the learned Tribunal for adjudication on merits.

12. In light of the fact that parties in the present petition are similar as in W.P.(C) 9125/2024, this Court hereby directs to remand the present petition to the learned Tribunal for adjudication on merits.

13. Parties shall appear before the learned Tribunal on 13.09.2024 for further proceedings.

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

(SURESH KUMAR KAIT)
JUDGE

(GIRISH KATHPALIA)
JUDGE

AUGUST 20, 2024

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