



\$~17

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

+ **W.P.(C) 16561/2024**

RAJEEV SHARMA

.....Petitioner

Through: Mr. Arvind Gupta, Mr. Kanav
Bhardwaj and Ms. Mansi Sharma, Advocates.

versus

**DELHI TOURISM AND TRANSPORTATION
DEVELOPMENT CORPORATION LTD.**

.....Respondent

Through: Ms. Neha Bhatnagar, Advocate.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **03.12.2024**

CM APPL. 70042/2024

1. Exemption allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 16561/2024

3. This writ petition has been preferred on behalf of the Petitioner under Articles 226 and 227 of the Constitution of India seeking the following reliefs:

“a) Allow the present Petition;

b) Issue a Writ in the nature of the Mandamus/Certiorari or any other writ directing the Respondent to decide the Appeal dated 17.07.2020 under Rule 23 of CCS(CCA) Rules, 1965 challenging the Order No. VG/10669/9/96/DTTDC/PF1/2642-44 dated 05.06.2020 before The Chairman, Board of Directors, Appellate Authority, Delhi Tourism and Transportation Corporation of Petitioner within time bound manner and expeditiously.”

4. Petitioner was posted as Assistant Manager at IGI Airport on



24.09.1996 when allegations were levelled against him for having received a gratification of Rs.2,000/- from one Shri Swami Charan - a Taxi Operator. Learned Special Judge, Delhi in CC No. 6/99 convicted the Petitioner on 09.07.2008 for offences under Sections 7 and 13(1)(d) of the Prevention of Corruption Act, 1988 and sentenced him to undergo rigorous imprisonment of 4 years with a fine of Rs.20,000/- and in default to undergo R.I. for two months. Petitioner filed Criminal Appeal being Crl. A. No. 649/2008 against the order of conviction and sentence, which was allowed on 11.09.2014 by this Court and the impugned order of conviction and subsequent sentence was set aside. Armed with this judgment, the Petitioner made representations between 2014 to 2015 for reinstating him, only to receive a letter dated 29.04.2015 that his matter for reinstatement was under consideration. The State of NCT of Delhi had filed SLP (Crl) No. 005658/2015 before the Supreme Court titled *The State of NCT of Delhi v. Rajiv Sharma* challenging the order of acquittal in Appeal. The SLP was dismissed on 06.07.2015, which prompted the Petitioner once again to seek reinstatement by representation dated 10.08.2015. However, almost two years later, i.e. on 30.05.2017, Respondent placed the Petitioner under deemed suspension w.e.f. 22.04.2010 under Rule 10(4) of the CCS (CCA) Rules. Pursuant to chargesheet dated 04.12.2006, disciplinary proceedings commenced against the Petitioner, which finally resulted in a penalty of reduction to lower stage in the timescale of pay by one stage with immediate effect. It was further directed that the suspension from 24.09.1996 to 22.10.2018 will be treated as 'Dies Non' for all purposes and the Petitioner will not be entitled to pay and allowances for the said period, save and except, the subsistence allowance. Petitioner retired on superannuation on



30.06.2020 from service of the Respondent. On 17.07.2020, he filed an appeal under Rule 23 of the CCS(CCA) Rules, 1965 challenging the penalty order before the Appellate Authority, i.e. the Chairman, Board of Directors, Delhi Tourism and Transportation Corporation. The appeal is, however, stated to be pending till date which has triggered the present writ petition.

5. Learned counsel for the Petitioner seeks a limited relief of direction to the Appellate Authority to decide the appeal expeditiously and in a time bound manner.

6. Issue notice.

7. Ms. Neha Bhatnagar accepts notice on behalf of the Respondent.

8. Considering that the appeal is pending before the Appellate Authority from 17.07.2020 and over four years have passed, there is merit in the contention of learned counsel for the Petitioner that the same needs to be decided expeditiously.

9. Accordingly, without entering into merits of the case, this writ petition is disposed of with a direction to the Respondent to decide the said appeal as expeditiously as possible but not later than of 8 weeks from the date of receipt of this order. Needless to state that a reasoned and speaking order shall be passed by the Appellate Authority, which will be communicated to the Petitioner within one week from the date of the order and Petitioner will be at liberty to take recourse to legal remedies in case of any surviving grievance.

JYOTI SINGH, J

DECEMBER 3, 2024

B.S. Rohella