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

+ W.P.(C) 7411/2007 and CM APPL. 15227/2008

K.GOPALA KRISHNA BHAT

.....Petitioner

Through: Ms. Arti Bansal, Mr. Kamal R. Digpaul and Mr. Pushpesh Digpaul, Advocates.
versus

COUNCIL OF ARCHITECTURE & ORS

.....Respondents

Through: Mr. Naveen R. Nath, Senior Advocate with Ms. Lalit Mohini Bhat, Ms. Hetu Arora Sethi, Ms. Saumya Tandon and Ms. Gayatri Virmani, Advocates for Respondents/COA.

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+ W.P.(C) 7412/2007 and CM APPL. 15228/2008

MADAN LAL

.....Petitioner

Through: Ms. Arti Bansal, Mr. Kamal R. Digpaul and Mr. Pushpesh Digpaul, Advocates.
versus

COUNCIL OF ARCHITECTURE & ORS

.....Respondents

Through: Mr. Naveen R. Nath, Senior Advocate with Ms. Lalit Mohini Bhat, Ms. Hetu Arora Sethi, Ms. Saumya Tandon and Ms. Gayatri Virmani, Advocates for Respondents/COA.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

19.09.2024

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1. These writ petitions have been filed by the Petitioners for quashing the Minutes of the 92nd meeting of the Executive Committee ('EC') of the Council of Architecture ('Council') dated 10.09.2007 to the extent it was decided to remove the Petitioners from the services of the Council with immediate effect.



2. Petitioner in W.P.(C) 7411/2007 joined the Council as UDC on 02.12.1974 and was promoted from time to time on higher post and finally retired on 01.07.2006 from the post of Deputy Registrar. Petitioner in W.P.(C) 7412/2007 joined the Council as a Stenographer on 21.12.1990 and was confirmed on 04.01.1994 on the said post. He was thereafter promoted as Senior Stenographer, Private Secretary and finally as Principal Private Secretary on 01.07.2006.

3. It is a common case of the parties that EC of the Council at its 90th meeting held on 06.06.2007 decided to constitute a one-member Committee to conduct an inquiry into the conduct of the Petitioners. The Committee so constituted sought reply of the Petitioners to the brief Statement of Charges and after an inquiry into the allegations, the EC in its 92nd meeting held on 10.09.2007, resolved to remove the Petitioners from the services of the Council with immediate effect. It is this decision which is under challenge in the present writ petitions on several counts.

4. Be it noted that when the writ petitions were listed on 13.09.2024, learned counsel for the Petitioners, on instructions, stated that due to passage of time and prolonged litigation, Petitioners were no longer interested in challenging the order of removal and would be satisfied if the decision of the EC to the extent it directed grant of all terminal benefits to the Petitioners as payable to an employee of the Council, is enforced. Mr. Naveen R. Nath, learned Senior Counsel for the Respondents had taken time to revert back with instructions with respect to the amounts due and payable to the Petitioners in terms of the decision of the EC taken in its meeting held on 10.09.2007.

5. Mr. Nath, learned Senior Counsel, on instructions, submits that an



amount of Rs.4,06,432/- is due and payable to Shri K.Gopala Krishna Bhat and amount of Rs.1,51,913/- is due to Shri Madan Lal and also hands over a chart reflecting the calculations to support the aforesaid amounts.

6. Learned counsel for the Petitioners, on instructions, fairly submits that the total amounts calculated by the Respondents are correct and Petitioners have no objection in accepting the same but insists that interest be granted to the Petitioners as these dues were payable to the Petitioners w.e.f. 25.09.2007 *de hors* the challenge to the impugned decision.

7. Indisputably, services of the Petitioners were terminated pursuant to a decision taken by the EC of the Council in its 92nd Meeting convened on 10.09.2007. *Albeit* it is true that as per the decision, Petitioners were removed from the services of the Council but having so decided, the EC also directed that Petitioners, as a special case, shall be paid all terminal benefits accrued till the date of the decision, that were required to be paid to an employee of the Council as indicated in the letter of appointment. Therefore, it is rightly contended by learned counsel for the Petitioners that whether or not the Petitioners challenged this order and whether or not the penalty of removal from service was set aside, Petitioners were entitled to the dues which are now being tendered by the Council after a period of 17 years. There can be no doubt that the Council has withheld the said amount for a long period which it was not entitled to.

8. In view of the stand of the Petitioners that they do not press their challenge to the decision of termination, these writ petitions are disposed of directing the Respondents to release the aforementioned amounts, admittedly due to the Petitioners respectively, within a period of six weeks from the date of receipt of this order, along with interest @ 6% per annum



from the date the amounts were due and payable till the date of actual payments.

9. The Court pens down its appreciation for the efforts put in by learned Senior Counsel and counsel on record for the Respondents for bringing an amicable closure to the disputes between the parties which have been long pending since the year 2007.

JYOTI SINGH, J

SEPTEMBER 19, 2024

B.S. Rohella/DU