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

+ **CONT.CAS(C) 380/2025**

VIJAY KUMAR AGARWAL

.....Petitioner

Through: Mr. J. Rajesh, Amicus Curiae along
with petitioner in-person (through
VC).

versus

MRS. SUJATA SAUNIK

.....Respondent

Through: Mr. Naman Tandon, Adv.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

20.05.2025

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1. Pursuant to the previous order, *Mr. J. Rajesh*, Advocate, who was appointed as *Amicus Curiae*, to assist the Court in understanding the plea by the petitioner, is present in Court. Though, he fairly states that after his interaction with the petitioner, the petitioner who is a senior citizen, expressed his disinclination for his case to be presented by the *Amicus Curiae*, at the insistence of the Court, *Mr. J. Rajesh*, *Amicus Curiae* has broadly explained the facts and circumstances in the said matter.
2. The petition has been filed alleging wilful disobedience of order dated 28th March 2012 passed by the Division Bench which related to a charge-sheet dated 06th July 1988 issued to the petitioner.
3. The issue canvassed by the petitioner was that whether it was permissible in law that the inquiry be continued pursuant to the charge-sheet, keeping in view the fact that pertaining to another inquiry, a penalty



of dismissal from service was inflicted upon the petitioner, in the year 1998.

4. Petitioner has urged that neither an inquiry could be continued nor a penalty could be imposed.

5. In this context, the Division Bench passed the following orders:

10. The enquiry against the petitioner is governed by the All India Services (Discipline and Appeal) Rules 1969 and suffice would it be to state that having levied penalty of dismissal from service upon the petitioner in another separate enquiry pursuant to another charge-sheet, the instant enquiry pertaining to the charge-sheet dated July 06, 1988 cannot continue and the proceedings have to terminate in as much as the Rules in question do not envisage a penalty to be imposed upon somebody who is not a member of the service and is not subject to the pension rules. Needless to state as a result of being dismissed from service, the petitioner is not entitled to any pension.

11. We accordingly disposed of the application restraining the State of Maharashtra to proceed ahead with the charge-sheet dated July 06, 1988.

6. The petitioner, who is present in-person, through VC, seeks to draw attention of the Court to decision in **Delhi Jal Board v. Mahinder Singh**, (2000) 7 SCC 210, where there was an issue relating to the opening of the sealed cover prepared by the DPC notwithstanding the pendency of later disciplinary case.

7. The Court has considered the submissions which have been made in



this regard and in the opinion of this Court, the contempt petition cannot subsist on a plea of this nature, as canvassed by the petitioner and certainly not in the context of the Division Bench's order dated 28th March 2012, aside from the fact that this kind of a plea is extremely delayed and barred by limitation.

8. Counsel for State of Maharashtra appears on advance notice and states that an application has been filed by the petitioner before the Division Bench seeking positive directions, which is now listed on 08th July 2025.

9. Liberty has already been exercised by the petitioner to canvass his grievances in accordance with law.

10. The contempt petition cannot subsist.

11. Accordingly, the petition is disposed of.

12. A note of appreciation for the efforts made by *Mr. J. Rajesh, Amicus* for assisting the Court in the matter.

13. Order be uploaded on the website of this Court.

ANISH DAYAL, J

MAY 20, 2025/MK/kp