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

CM APPL. 693/2025 (*for direction*) in

+ W.P.(C) 8535/2024

MR JATIN MITTAL

.....Petitioner

Through: Ms. Seema Sharma, Mr. Utkarsh
Kumar, Advocates.

versus

M/S WAPCOS LTD

.....Respondent

Through: Mr. Naresh Kaushik, Sr. Advocate
with Mr. Manoj Joshi, Mr. S.
Shukla, Ms. Shikha J., Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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09.01.2025

1. The petitioner is an engineer and has been in the service of respondent – M/s WAPCOS Ltd., since the year 2013. A vigilance inquiry having been initiated against him, he filed the present writ petition for a direction upon the respondent to conclude the vigilance inquiry expeditiously and to accept the resignation sent by him on 19.01.2023.

2. By way of an additional affidavit, he has placed on record a memorandum of charges dated 24.05.2023, issued by the respondent under Rule 27 of the Department of Public Enterprises “Consolidated Model Conduct, Discipline and Appeal (CDA) Rules” [“CDA DPE Rules 2017”] dated 11.12.2017. He has filed his defence statement on 07.06.2023 and an inquiry is in progress.

3. During the pendency of the writ petition, the petitioner has filed CM APPL. 65737/2024 and CM APPL. 73294/2024 for expeditious



conclusion of the vigilance inquiry proceedings. By order dated 13.12.2024, the Court recorded the submission on behalf of the respondent that the inquiry would be completed within three weeks.

4. The petitioner has now filed CM APPL. 693/2025, stating that the inquiry has not been completed in terms of the aforesaid directions of the Court.

5. Mr. Naresh Kaushik, learned Senior Counsel for the respondent, submits that the inquiry has not been completed due to obstruction by the petitioner. He submits that the petitioner has taken the position, articulated in an email dated 03.12.2024 (Annexure A-2 to CM APPL. 73294/2024), that no inquiry is required in terms of Rule 27 of the CDA DPE Rules 2017, as the imposition of a minor penalty can be ordered after considering the defence statement and without holding a full-fledged inquiry. It is the submission of Mr. Kaushik that the prosecution evidence was closed on 27.12.2024, but the petitioner did not commence his defence and instead raised queries as to the legal basis for holding of the inquiry under Rule 27 of the CDA DPE Rules 2017.

6. Mr. Kaushik draws my attention to Rule 16 (1)(b) of the Central Civil Services (Classification, Control and Appeal) Rules 1965, which provides that even in cases of minor penalty, the disciplinary authority can hold an inquiry, if it deems necessary, upon consideration of the defence statement.

7. Ms. Seema Sharma, learned counsel for the petitioner, disputes the factual allegations with regard to obstruction of the inquiry proceedings and states that the petitioner is willing to participate in the inquiry proceedings and cooperate for their expeditious conclusion.



8. In view of the above, and with the consent of learned counsel for the parties, it is directed that the inquiry proceedings are fixed before the Inquiry Officer on 13.01.2025 at 11:00 am. The petitioner is directed to remain present before the Inquiry Officer on the said date. The Inquiry Officer will conclude the defence as expeditiously as possible and preferably within one week thereafter. It is directed that the inquiry proceedings be concluded by 31.01.2025. It is made clear that the petitioner will participate in the inquiry in accordance with these directions, and that all procedural grievances, if any, may be raised after the conclusion of the inquiry proceedings if any adverse orders are passed.

9. The only remaining direction sought by Ms. Sharma is with regard to release of the accrued emoluments, including salary, arrears, allowances, etc.

10. Mr. Kaushik states that the petitioner's dues will be computed and released to him with a statement of account in the light of the disciplinary orders, if any, passed against him within a period of six weeks after the conclusion of the disciplinary proceedings.

11. Learned counsel for the parties submit that the writ petition itself may be taken on board and disposed of on the basis of these directions.

12. The writ petition is, therefore, taken on Board and disposed of. All pending applications also stand disposed of.

13. The next date of hearing, i.e., 15.01.2025 already fixed, stands cancelled.

PRATEEK JALAN, J

JANUARY 9, 2025/ 'Bhupi/JM' /