

Mukesh Kumar vs.directorate General and Ors

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Court : Delhi

Decided On : May-12-2017

Appellant : Mukesh Kumar

Respondent : Directorate General and Ors

Advocate for Def. : Mr. Anurag Ahluwalia, Ms. Nidhi Mohan Prashar, Mr. Mayank, Mr. Rajesh Kumar

Advocate for Pet/Ap. : Mr. Rajiv Kumar Jha

Judgement :

\$~1 (DB) * IN THE HIGH COURT OF DELHI AT NEW DELHI + W.P.(C)
5273/2016 MUKESH KUMAR

... Petitioner

Through: Mr. Rajiv Kumar Jha, Advocate with petitioner in person. versus
DIRECTORATE GENERAL AND ORS

... RESPONDENTS

Through: Mr. Anurag Ahluwalia, CGSC with Ms. Nidhi Mohan Prashar, Mr. Mayank and Mr. Rajesh Kumar, Advocates CORAM: HON'BLE MS. JUSTICE HIMA KOHLI HON'BLE MR. JUSTICE SUNIL GAUR %

ORDER

1205.2017 CM APPL. 27486/2016 (for condonation of delay) 1. The present application has been filed by the petitioner praying inter alia for condonation of delay of 25 days in filing the review application.

2. For the reasons stated in the application, the same is allowed. The delay of 25 days in filing the review application is condoned.

3. The application is disposed of. REVIEW PET. 337/2016 (by the respondents for review of the order dated 31.05.2016) 1. This order is in continuation of the order dated 17.3.2017, on which date after noticing the sequence of events that had taken place prior to passing of the order dated 31.5.2016 whereunder, the present petition was WP(C)5273/2016 Page 1 of 3 disposed of with liberty granted to the petitioner to submit a reply to the Memorandum dated 15.3.2016 issued by the respondent within a period of 15 days, for consideration and disposal by the Disciplinary Authority, counsel for the petitioner and the petitioner were directed to file their respective affidavits explaining inter alia the reasons for withholding material information from the court, which had resulted in passing of the order dated 31.5.2016, of which the respondents herein seeks recall. Compliances have been duly made.

2. Learned counsel for the respondents informs us that aggrieved by the order dated 23.5.2016 passed by the Disciplinary Authority removing the petitioner from service, he had filed an appeal dated 26.8.2016, before the Appellate Authority, which was partly allowed, vide order dated 8.9.2016 by reducing the punishment of removal from service imposed by the Disciplinary Authority, to compulsory retirement from service with full pensionary benefits. Thereafter, the petitioner had challenged the order passed by the Appellate Authority by filing a revision petition, which was rejected by the office of Inspector General, North Sector, CISF vide order dated 08.2.2017. As a result, the order of the Appellate Authority has attained finality.

4. Learned counsel for the petitioner states that in view of the subsequent events, he may be given leave to seek legal recourse against the orders of the Appellate Authority and the Revisional Authority.

5. While cautioning the petitioner to be more careful in future, we will let the matter rest here. The review petition is allowed and disposed of while recalling the directions issued in para 4 of the order dated 31.5.2016. The petitioner is permitted to seek legal recourse against the orders passed by the WP(C)5273/2016 Page 2 of 3 Appellate Authority and the Revisional Authority, as may be advised.

6. The parties are left to bear their own costs. C.M. No.29400/2016 (by the petitioner to recall the order dated 31.5.2016) Learned counsel for the petitioner states that in view of the order passed in the review petition as above, he does not wish to press the present application. The same is accordingly disposed of. HIMA KOHLI, J SUNIL GAUR, J MAY12 2017 ap WP(C)5273/2016 Page 3 of 3

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