

Ranjana Sood Vs. Ndmc and ors

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Court : Delhi

Decided On : Mar-14-2013

Judge : Valmiki J. Mehta

Appellant : Ranjana Sood

Respondent : Ndmc and ors

Advocate for Def. : Ms. Madhu Tewatia, Mr. B.B. Gupta

Advocate for Pet/Ap. : Mr. Mohit Sood

Judgement :

* IN THE HIGH COURT OF DELHI AT NEW DELHI + WP(C) No.4095/2010 %
March 14, 2013 RANJANA SOOD Through : Petitioner Mr. Mohit Sood, Adv.
versus NDMC AND ORS Through : Respondents Ms. Madhu Tewatia, Adv. for
NDMC. Mr. B.B. Gupta, Adv. for R3 & 3(a). CORAM: HON'BLE MR. JUSTICE
VALMIKI J.

MEHTA To be referred to the Reporter or not? VALMIKI J.

MEHTA, J (ORAL) 1. This is a writ petition totalling to about 85 pages, wherein
Prayer Clause runs from (a) to (s).

2. De hors the aspect of the number of prayers made, counsel for the petitioner
says that essentially, there are two aspects under challenge. First is the issue of
suspension of the petitioner. The second aspect is the challenge to the

departmental proceedings which have been initiated against the petitioner.

3. So far as the aspect of suspension is concerned, it is not disputed that the suspension of the petitioner has been recalled and therefore, this relief does not survive.

4. So far as the relief of stay of departmental proceedings is concerned, I note that the departmental proceedings have not reached conclusion, i.e the departmental authorities have not visited the petitioner with any penalty. The petitioner has been served with the copy of the Enquiry Officers report, and counsel for respondents No. 1 and 3 states that the petitioner will be given a personal hearing by the disciplinary authority before any order is passed.

5. It is a settled law that enquiry proceedings cannot be scuttled unless there is an ex facie issue of lack of jurisdiction. I do not find any issue of the employer lacking any authority to conduct departmental proceedings against an employee as is alleged in the present case. Whatever may be the grievance of the petitioner with respect to the enquiry proceedings or malafides, or to other legal and factual aspects, the petitioner will be entitled to raise the same before the departmental authority inasmuch as the departmental authority is yet to pass an order against the petitioner.

6. The writ petition is therefore, mis-concieved at this stage and is accordingly, dismissed with liberty to raise the issues of facts and law before the departmental authorities. VALMIKI J.

MEHTA, J MARCH j 14, 2013

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