

11.03.2024

Present: None for the plaintiff.

Sh. Ganesh Kumar, Ld counsel for defendant along with defendant in person.

Put up at 4.00 pm for orders.

(SHIV KUMAR)

ADJ-02, West Distt.Tis Hazari Courts

Delhi: 11.03.2024

At 4.00 PM

Present: None for the parties.

The defendant has filed an application under section 10 r/w 151 CPC for staying the proceedings of the present suit on the ground that he had filed writ petition bearing no. WP (C) no. 13901/2018 tilted as “Anju Bala Vs Gail India Ltd & Ors in the Hon'ble High Court of Delhi before filing of the present suit by the plaintiff. It is further argued by ld counsel for the defendant that the plaintiff has suppressed the relevant and correct fact of the pendency of the above-said writ petition. It is further argued that in the said writ petition, the Hon'ble High Court of Delhi has set aside the order passed by the plaintiff regarding illegal termination of the defendant and has directed the plaintiff to reinstate the defendant in service with all consequential benefits with 50 % back wages for the period, she has not worked. It is further argued by ld counsel for the defendant that the

base of both proceedings is the illegal termination of the defendant from job by the plaintiff. It is further argued that against the decision of the abovesaid writ petition, the plaintiff has filed appeal, which is pending before Hon'ble High Court of Delhi and if this court passed any findings/orders in the present suit then that findings/orders may be in conflict with the findings of Hon'ble High Court of Delhi. So, he prays to the court to stay the proceedings of the present suit.

On the other hand, Id counsel for the plaintiff submits that the issue in both proceedings are different. He further argued that before Hon'ble High Court of Delhi, the defendant had challenged the termination proceedings of the defendant. He further argued that in the present suit, the plaintiff is seeking decree for recovery of amount of unauthorized leaves taken by the defendant. He further argued that the subject matter as well as reliefs in both suit are different.

I have perused the case file.

I have perused the copy of order dated 05.11.2019 passed by Hon'ble High Court of Delhi, the Hon'ble High Court of Delhi has held that the order of removal of defendant from the job has been passed by an officer subordinate to the appointing authority, therefore, the inquiry proceedings and impugned order of removal of service is vitiated. In view of the above-said observation, the Hon'ble High Court of Delhi set aside the termination order, inquiry report and other orders. And, directed the defendants to reinstate the plaintiff in service with all consequential benefits with 50 % of the back wages for the period, she has not worked. The defendant has not filed copy of the writ petition with her application under section 10 CPC. The plaintiff has also not filed the copy of appeal.

For properly appreciating the submissions of both ld counsels, filing of copy of writ petition as well as appeal petition is necessary. Both ld counsels are directed to file copy of above-said writ petition and copy of appeal against the order passed in the said writ petition respectively.

Put up for filing of the aforesaid documents on **10.05.2024**.

(SHIV KUMAR)

ADJ-02, West Distt.Tis Hazari Courts
Delhi: 11.03.2024