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

+ **W.P.(C) 2695/2024**

SMT. RAVITA

..... Petitioner

Through: **Mr. Pradeep Teotia, Advocate**

versus

THE COMMISSIONER OF DELHI POLICE

& ORS.

..... Respondents

Through: **Ms. Aliza Alam, Advocate for R-1 to 3**

SI Rishi, Parvi Officer

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

22.02.2024

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(The proceeding has been conducted through Hybrid Mode)

1. This is a writ petition under Article 226 of the Constitution of India, 1950, *inter alia* seeking the following reliefs:-

“(a) Issue writ, order or direction to the respondents No. 1 to 3 to complete/get completed the above said documents provided by the petitioner to the investigating officer during investigation in the DE file for the fair and proper adjudication of the departmental enquiry.

(b) Summon the record of the departmental enquiry as well as trial court record; and

(c) Set aside the order of Disciplinary Authority passed on 17/11/2023 in the departmental enquiry of SI Deepak Panwar (Respondent No. 4) as the exoneration done in the said departmental enquiry is the result of collusion between respondent No. 4 and department (Delhi Police).

(d) Stay the departmental enquiry of Respondent No. 5 till the completion of Departmental Enquiry.”



2. Mr. Pradeep Teotia, learned counsel appearing for the petitioner submits that by virtue of the order passed by this Court on 31.01.2024 in **W.P.(C) 13818/2022** captioned as **Smt. Ravita Vs. *The Commissioner of Delhi Police & Ors.***, the petitioner was afforded an opportunity to challenge the disciplinary authority's order dated 07.11.2023 which was passed in respect of respondent no.4. He submits that in pursuance thereto the present petition has been filed challenging the exoneration and discharge of the respondent no.4 from the disciplinary proceedings which was initiated at the behest and on the complaint of the petitioner.
3. Mr. Teotia submits that in the previous proceedings too, the grievance of the petitioner was that certain important and relevant documents showing the misconduct of respondent no.4 accepted by the respondent, however, the said documents were never considered during the disciplinary proceedings. In the meanwhile just to frustrate the previous writ petition of the petitioner, the respondent-disciplinary authority passed the impugned order dated 17.11.2023.
4. Learned counsel submits that the present petition challenges the order dated 17.11.2023 passed by the Disciplinary authority in respect of the respondent no.4. Learned counsel submits that disciplinary proceedings in respect of respondent no.5 are still underway and prays that the those proceedings be restrained till the documents of the petitioner are taken note of and considered.
5. Issue notice.
6. Notice is accepted by learned counsel appearing for the respondent nos. 1 to 3.



7. Upon petitioner taking steps within a week, notice be served upon the respondent nos. 4 and 5 by all permissible modes.
8. Counter affidavit of respondent nos. 1 to 3 shall disclose as to whether the documents furnished by the petitioner were or were not taken into consideration by the inquiry officer or disciplinary authority while conducting the inquiry proceedings and passing the impugned order dated 17.11.2023, respectively.
9. It is expected that while the disciplinary proceedings of respondent no.5 is conducted, the right of the petitioner as per Rules, shall be taken note of by the disciplinary authority.
10. Counter affidavit, if any, be filed within three weeks with an advance copy to learned counsel for the petitioner. Rejoinder, thereto if any, be filed within two weeks, thereafter, with an advance copy to learned counsel for the respondent.
11. List before the Registrar on 13.05.2024.

TUSHAR RAO GEDELA, J

FEBRUARY 22, 2024/ms