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

+ **CONT.CAS(C) 198/2020, CM APPL. 24855/2020, 5417/2021,
2369/2023 & 5299/2023**

PRAKASH KUMAR DIXIT

..... Petitioner

Through: Mr. Anand Shankar Jha and Mr.
Abhilekh Tiwari, Advocates

versus

AJAY KUMAR BHALLA & ORS

..... Respondents

Through: Mr Harish Vaidyanathan Shankar,
CGSC, Mr Srish Kumar Mishra, Mr
Sagar Mehlawat, Mr Alexander
Mathai Paikaday, Advocates.

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **03.03.2023**

1. The learned counsel for the Respondent has been heard in part. He has filed his written submissions dated 03.03.2023. He states that the Respondent has decided to amend its stand and give effect to minor penalty from 16.10.2018 and not 08.03.2021. He states that he shall file the said stand on affidavit.

2. Further, to a query put by the Court with respect to the compliance of the directions of the Division Bench in para 35 and in the Presidential order 08.03.2021 at para 35 (v); and more specifically with respect to promotion, which directs the Respondent to consider the period w.e.f. 10.07.1995 to 23.10.2019 as 'period spent on duty'; he seeks time to examine the same, take instructions and file an additional affidavit.

3. The learned counsel for the Petitioner has drawn this Court's



attention to his submission at para 10 of his written synopsis of 02.03.2023 which reads as under:

“Even assuming though not conceding, that ignoring Para 35 of the Judgement, the respondent could implement Para 34 of the Judgement. Even in this scenario it could not implement the “minor penalty” in future date, but had to implement it from 16.10.2018 itself, treating that as a date on which the penalty would come into effect. In such a scenario also, the three year disqualification being considered for the promotion would be over by 16.10.2021. Therefore, even as per the case of contemnor, the petitioner ought to have been considered for all promotions till the rank of Inspector General from 2021 till his date of retirement that is 31.03.2023.”

(Emphasis supplied)

4. The Respondent is directed to take instructions on the said submission of the Petitioner and apprise the Court on 07.03.2023.
5. The learned counsel for Respondent is directed to file his additional affidavit on or before 09.03.2022.
6. The direction to DIG-1 to remain present in Court *vide* order dated 20.02.2023 is exempted until further orders.
7. List for directions on 07.03.2023 at 04:00 pm.
8. List for further arguments of the Respondent on 13.03.2023 at 03:45pm.

MANMEET PRITAM SINGH ARORA, J

MARCH 3, 2023/rk/ms