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

+ **W.P.(C) 10842/2019 & CM APPL. 44882-83/2019**

SH. C. M. VASUDEVA

..... Petitioner

Through

Mr. R.K. Dhawan, Ms. Richa
Dhawan and Mr. Anuj Chaturvedi,
Advs.

versus

MINISTRY OF FINANCE AND ORS.

..... Respondents

Through

Mr. Virender Pratap Singh Charak
and Ms. Shubhra Parashar, Advs. for
R-1/UOI.
Mr. Jagat Arora with Mr. Niraj
Kumar, Advs. for R-2 and R-3/OBC

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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11.10.2019

CM No.44883/2019

Allowed, subject to just exceptions.

W.P.(C) 10842/2019 & CM No.44882/2019

Ministry of Finance – respondent no. 1 is not a necessary party to the instant petition and is directed to be deleted from the array of the respondents. Amended memo of parties be filed within two days.

The petitioner was dismissed from service by respondent no. 2 – Oriental Bank of Commerce on holding of a regular departmental inquiry and the appeal preferred thereagainst came to be dismissed. The dismissal order thus became final, way back in the year 2004.



Mr. Dhawan, ld. counsel for the petitioner, advertng to the order of acquittal passed by the ld. Special Judge, CBI-III, P.C. Act on 12.02.2016 contends that the petitioner was honourably acquitted of all the criminal charges and therefore the petitioner was entitled to seek judicial review of the dismissal order as of now.

There can be no denying the fact that the departmental proceedings can be simultaneously proceeded with and this is what happened in the case of the petitioner. The dismissal order having been passed way back in the year 2004, it is for the petitioner to satisfy as to whether, assuming, he was honourably acquitted, he can maintain the instant petition.

Mr. Dhawan, at this stage submits, that in pursuance of the representation made by the petitioner on 18.03.2017, the respondent bank has issued a Show Cause Notice dated 01.07.2017 as to why on the dismissal by way of punishment, under Regulation 46(1)(e) of the OBC Officer's Service Regulations, 1982 and Section 4(6)(a) of the Payment of Gratuity Act, 1972, the bank's contribution to the petitioner's P.F. and gratuity be not forfeited. Such contention shall be considered on the date fixed.

List for consideration on 03.02.2020.

A. K. CHAWLA, J

OCTOBER 11, 2019

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