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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 13838/2023, CM APPL. 54645/2023, CM APPL. 55906/2023 & CM APPL. 55906/2023

SADHANA MONGA

..... Petitioner

Through: Petitioner in person

versus

UNION OF INDIA & ORS

.... Respondent

Through: Mr. Kushal Kumar Sharma, SPC and
Mr. Amit Acharya, GP for R-1/UOI.
Ms. Aakansha Kaul and Ms. Rhea
Borkotoky, Advocates for R-2 and 3.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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07.03.2024

(The proceeding has been conducted through Hybrid Mode)

1. The petitioner has challenged the impugned order dated 19.07.2023 terminating the tenure contract of five years on the basis that the termination order has been issued by a person who is incompetent.
2. Ms. Sadhana Monga, petitioner in person submits that the entire action of termination is also hit by Article 311(2) of the Constitution of India and Principles of Natural Justice. She points out to Clause 10 of the Recruitment Rules for the post of General Manager (Quality Assurance) with the respondent-CMSS, according to which the retention/continuance, review of a performance after every year is to be done by Director General (DG) and CEO with the approval of the governing body of the society alone. According to her DG and the CEO is the competent authority to issue any such termination order with the approval of the governing body.
3. In the present case, according to her, since the termination letter has been issued not by DG and CEO or further approved by the governing body



of the society, the same is *non est* in law as also not as per the terms of the Recruitment Rules.

4. She also refers to the letter dated 17.01.2020, which is her appointment letter, to submit that the petitioner was taken on contract service by contractual appointment by virtue thereof.

5. On the issue of the competent authority, Ms. Aakansha Kaul, learned counsel for respondent nos.2 and 3, submits that the DG and CEO as also the Chairman of the Governing Body of the society would be the Competent Authority. She invites attention of this Court to para 10 of her counter affidavit to buttress her arguments.

6. Ms. Kaul seeks some time to place on record the written approval issued by the Chairman of the Governing Body and the Secretary in support of the aforesaid contention that the termination letter has been issued as also approved by the competent authority.

7. List the matter for further arguments on 01.05.2024.

8. In the meanwhile, the parties are permitted to file written submissions, not exceeding two pages in the form of pointers/bullet points with cross reference to the page numbers of the relevant documents that they seek to rely on, within two weeks from today. List of judgments along with the judgment may also be filed separately within the same timeline.

9. The original records maintained by the respondent in regard to the petitioner's case be also brought to the Court on the next date of hearing including the record pertaining to the submissions in para 6 above.

TUSHAR RAO GEDELA, J

MARCH 7, 2024

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