

(2018) 02 DEL CK 0561

In the Delhi High Court

Case No : Civil Writ Petition No. 1754 Of 2018, Civil Miscellaneous No. 7249 Of 2018

Dr. Sonali G. Badhe

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 23-02-2018

Acts Referred:

Citation : (2018) 02 DEL CK 0561

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : Kunal Cheema, Apoorv Shukla, Anil Soni, Gaurav Rohilla, Amit Mahajan, Mallika Hiramath

Final Decision : Disposed Of

Judgement

Sunil Gaur, J

1. On petitioner's complaint of sexual harassment, vide order of 21st June, 2016 (Annexure P-3), penalty of reduction to a lower stage in the time

scale of pay by three stages for a period of three years has been inflicted upon fourth respondent. In the first round of litigation, petitioner had

approached the Central Administrative Tribunal, New Delhi against impugned order (Annexure P-3) and had sought enhancement of penalty but vide

order of 10th November, 2017 (Annexure P-7), petitioner had withdrawn the Original Application with liberty to approach the appellate forum or to

seek any other remedy available in law. Petitioner is also aggrieved by corrigendum of 26th May, 2017 (Annexure P-5) to order of 28th July, 2016

(Annexure P-4) as according to petitioner, the penalty as imposed vide order (Annexure P-3) has been watered down.

2. In this petition, enhancement of penalty awarded to fourth respondent is

sought. Learned counsel for petitioner submits that fourth respondent has approached Central Administrative Tribunal against impugned order (Annexure P-3) and his application is pending but petitioner does not have the locus to seek enhancement of the penalty imposed upon fourth respondent. To submit so, reliance is placed upon a decision of this Court in *Samridhi Devi Vs. Union of India & Ors.* ILR (2005) II DELHI 911.

3. Upon hearing and on perusal of impugned order, material on record and the decision cited, I find that though petitioner does not have independent right to approach Central Administrative Tribunal to seek enhancement of penalty imposed upon fourth respondent but since the Original Application

No.2755/2016 *Ashish Chandra Singh Vs. Ministry of Finance & Anr.* of fourth respondent against impugned order (Annexure P-3) is pending,

therefore, it is deemed appropriate to permit petitioner to submit before the Central Administrative Tribunal in the Original Application No.2755/2016

Ashish Chandra Singh Vs. Ministry of Finance & Anr. of fourth respondent regarding the proportionality of the penalty imposed.

4. Learned counsel for petitioner submits that petitioner has been already permitted to be impleaded as a party in the said Original Application

No.2755/2016 *Ashish Chandra Singh Vs. Ministry of Finance & Anr.*. In view thereof, this petition is disposed of while refraining to comment upon

the merits and with permission to petitioner to assist the Court on the proportionality of the penalty imposed and to point out regarding the penalty

imposed being disproportionate/inadequate and to point out regarding corrigendum of 26th May, 2017 (Annexure P-5) to order of 28th July, 2016

(Annexure P-4) not being in consonance with the penalty order (Annexure P-3). If petitioner adopts such a course, then it is expected that the Central

Administrative Tribunal shall expeditiously look into the proportionality of the penalty imposed and the effect of the corrigendum of 26th May, 2017

(Annexure P-5) to order of 28th July, 2016 (Annexure P-4).

5. Needless to say that the Tribunal shall permit petitioner to raise the aforesaid pleas if available in law to her, uninfluenced by its order

6. With aforesaid directions, this petition and application are disposed of.