

(2013) 12 DEL CK 0052

In the Delhi High Court

Case No : Writ Petition (C) No. 750 of 2013 and CM 1452 of 2013

Punjab State Power Corporation Ltd.

APPELLANT

Vs

National Commission for Schedule Castes and Another

RESPONDENT

Date of Decision : 10-12-2013

Acts Referred:

Citation : (2013) 12 DEL CK 0052

Hon'ble Judges : Valmiki J Mehta, J

Bench : Single Bench

Advocate : H.M. Singh and Ms. Shabana, for the Appellant; Abha Malhotra, for R-1, for the Respondent

Final Decision : Allowed

Judgement

Valmiki J Mehta, J.—On 4.10.2013, the following order was passed:-

Once again opportunity is sought on behalf of respondent no. 1 to file counter-affidavit. Counsel for respondent no. 1 states that in spite of communication she is not receiving any instruction from respondent no. 1. Accordingly, as a last opportunity, counter-affidavit be now filed within a period of four weeks subject to payment of costs of Rs. 7500/- to the petitioner. Rejoinder-affidavit thereto be filed within a period of four weeks thereafter. In case, counter-affidavit is not filed within four weeks, the right to file the same shall stand closed.

List on 10th December, 2013.

In view of the aforesaid order, and the fact that no counter-affidavit has been filed, the right of the respondent no. 1 to file counter-affidavit stands closed. Possibly, since there would be no answer to the writ petition, therefore, respondent no. 1 has not chosen to file counter-affidavit.

2. Counsel for the petitioner rightly contends that respondent no. 2 as its employee was visited with penalty orders by the disciplinary authority which became final on the appeal of the employee being dismissed. No challenge was

laid to the orders of the departmental authorities in a court of law and therefore the penalty orders passed by the petitioner/employer against the respondent no. 2 became final. It is argued that once this is so, there is no power in the respondent no. 2 to ask the petitioner to file a status report with respect to quasi judicial proceedings/departmental proceedings which have achieved finality. I may also note that Supreme Court recently in the case of All India Indian Overseas Bank SC and ST Employees' Welfare Association and Others Vs. Union of India (UOI) and Others, has held that Commissions which are constituted under the specific Acts do not have all the powers of a civil court unless the Acts so provides. The statute governing the respondent no. 1 does not empower the respondent no. 1 to set aside the orders which are passed by the departmental authorities. I may note that the judgment of the Supreme Court in the case of All India Indian Overseas Bank SC and ST Employees' Welfare Assn. (supra) has been recently followed by the Supreme Court in the case of State Bank of Patiala and Others Vs. Vinesh Kumar Bhasin, . In view of the above, the writ petition is allowed. The respondent no. 1 is restrained from in any manner acting upon the complaint of the respondent no. 2 dated 13.5.2011 filed before the respondent no. 1, and all proceedings emanating therefrom. Parties are left to bear their own costs.