

(2018) 05 DEL CK 0487

In the Delhi High Court

Case No : W.P.(C) 6271 OF 2018 & CMS. 24185 OF 2018, 24186 OF 2018

RAJIV CHATURVEDI

APPELLANT

Vs

PEC LIMITED & ANR.

RESPONDENT

Date of Decision : 31-05-2018

Acts Referred:

Citation : (2018) 05 DEL CK 0487

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : Sudhir Nandrajog, Muhammad Ali Khan, Gaurav Gupta, Jaspal Singh, Karishma Thakur, Omar Hoda, Anumita Chandra, Sanjeev Narula

Final Decision : Disposed Of

Judgement

C.M No. 24185/2018 (Exemption)

Allowed, subject to all just exceptions.

W.P. (C) 6271/2018 & CM. 24186/2018

1. Petitioner is facing departmental proceedings and vide order of 13th November, 2017, the Enquiry Officer has concluded that petitioner did not have additional documents/ evidence in his defence and that petitioner is delaying the proceedings.

2. Learned senior counsel for petitioner submits that vide impugned order of 13th November, 2017 (Annexure F), right of petitioner to lead evidence

has been virtually closed and the documents sought by petitioner are the Rules and Regulations which are not available on the official website of the

respondents. It is pointed out by learned senior counsel for petitioner that on 25th January, 2018, the documents sought, have been supplied and so

petitioner ought to be permitted to place the documents as referred to in

Annexure-K on record as the enquiry proceedings are still at the stage of managementâ??s evidence.

3. Upon hearing and on perusal of impugned order, the material on record, I find that what is sought to be placed on record is just Rules and

Regulations of respondents and documents concerning delegation of powers etc. Learned senior counsel for petitioner submits that in light of the

documents (Annexure-K) supplied on 25th January, 2018, some relevant documents are also required to be placed on record. Learned counsel for

respondents submits that the act of petitioner is just to delay the proceedings and the relevance of the documents sought to be placed on record is

required to be seen. This Court is of considered opinion that no prejudice would be caused to respondents, if petitioner is permitted to file the

documents as referred in Annexure-K and documents in relation thereto, as the case is still at the stage of recording of evidence of management

witnesses.

4. Accordingly, this petition and the application are disposed of, while permitting petitioner to file the documents within a period of two weeks from

today. The said documents be taken on record while leaving the question of relevance and admissibility open as it is to be considered by the Enquiry

Officer at the relevant stage. Needless to say, after the evidence of the management witnesses is concluded, petitioner be given an opportunity to lead

his evidence.

5. It is made clear that relevance of documents sought to be placed on record is to be considered at the final stage. One effective opportunity only be

granted to petitioner to lead evidence, to allay the apprehension of delay in conducting the enquiry proceedings.

6. In the facts and circumstances of this case, it is directed that the enquiry officer shall make all the endeavours to complete the enquiry proceedings

on or before 30th September, 2018.

7. With abovesaid directions, this petition and the applications are disposed of.