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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 10923/2023

ASHOK KUMAR RAJDEV AND ORS Petitioners
Through: Mr. Mohit Mathur, Sr. Advocate with
Mr. Wajeeh Shafia and Ms. Ramsha
Shan, Advocates.

versus

GOVERNMENT OF NCT OF DELHI AND ORS Respondents
Through: Mr. Yoginder Handoo, Special
Counsel with Mr. Mananjay Mishra,
Mr. Ashwin Kataria and Mr. Garvit
Solanki, Advocates for R-1 and 2.
Mr. Y.V.V.J. Rajsekhar, IAS, Special
Secretary, Vigilance.
Mr. Rahul Mehra, Sr. Advocate with
Mr. Santosh K. Tripathi, SC, GNCTD
with Mr. Udit Malik, ASC, GNCTD
with Mr. Chaitanya Gosain and Mr.
Anand Thumbayil, Advocates.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

% **15.09.2023**

CM APPL No. 47812/2023

1. The present application has been filed on behalf of the petitioners under Section 151 of the Code of Civil Procedure, 1908, praying as follows:

"a) Pass necessary orders/directions restraining the Government of NCT of Delhi/respondent no. 1 or its National Capital Civil Services Authority from ordering Departmental Action or initiation of criminal action against the applicants/petitioners contrary to the assurance given to this Hon'ble Court on 17.08.2023;

b) Restrain the respondent no. 1 from recommending any disciplinary action or any criminal action against the applicants/petitioners, which would indirectly circumvent the assurance given to this Hon'ble Court on 17.08.2023;

c) Pass any such and further order(s) in favour of the applicants/petitioners as deemed fit in the facts and circumstances of the case at hand."

2. Heard.

3. Learned counsel appearing on behalf of the respondents appeared on advance notice and prayed for two weeks' time to file the reply. Let the same be filed within two weeks, as prayed. Rejoinder thereto, if any, be filed within one week thereafter.

4. Mr. Mohit Mathur, learned senior counsel appearing on behalf of the petitioners submitted that despite a categorical statement and undertaking having been given by the learned senior counsel and the learned Standing Counsel for respondents No. 1 to 5 on the last date of hearing before this Court that 'no coercive steps shall be taken by the respondents against the petitioners till the next date of hearing', some of the petitioners have been transferred to Guwahati and disciplinary proceedings have also been initiated against them. Therefore, it is prayed that an interim order may be passed by this Court in favour of the petitioners.

5. Mr. Rahul Mehra, learned senior counsel and Mr. Santosh Tripathi, learned Standing Counsel appearing on behalf of respondents no. 1 to 5, submitted that no coercive steps have been taken by the respondents against any petitioner in violation of the undertaking given by them before this Court on the last date of hearing.

6. Mr. Yogender Handoo, the learned counsel appearing on behalf of the respondent also submitted that no coercive steps have been taken and further stated that certain facts have not been disclosed in the instant application.

7. Heard the learned counsel appearing on behalf of the parties.

8. On the last date of hearing, the parties were heard on this instant petition and considering the contentions raised, the matter was kept for adjudication on 12th October, 2023.

9. On the said date, this Court did not pass an interim order in light of the undertaking given by Mr. Tripathi and Mr. Mehra that no coercive steps shall be taken against the petitioners, yet, the respondents acting in violation of the undertaking, failed to exercise restraint and took contravening steps against the petitioners in the teeth of the order passed by this Court.

10. The contentions made by learned senior counsel for the petitioners, raises serious concerns for this Court that an undertaking given by the Standing Counsel has been overlooked and disregarded. In case, the State was willing to take any coercive steps against the petitioners they should have moved an appropriate application seeking leave of the Court for the same.

11. Upon considering the entirety of the matter including the submissions made before this Court today, this Court is inclined to pass an interim order in favour of the petitioners.

12. Accordingly, no coercive steps shall be taken by any authority against the petitioners till the next date of hearing.

13. List on 12th October, 2023.

CHANDRA DHARI SINGH, J

SEPTEMBER 15, 2023

pa/ms

[Click here to check corrigendum, if any](#)