**IN THE HIGH COURT OF DELHI AT NEW DELHI
CIVIL ORIGINAL (EXTRA-ORDINARY) JURISDICTION**

**WRIT PETITION (CIVIL) NO. OF 20\_\_
(UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA)**

**IN THE MATTER OF:**

Mr. \_\_\_\_\_\_\_\_\_\_\_\_ son of \_\_\_\_\_\_\_\_\_

Resident of\_\_\_\_\_\_\_\_\_                                             **PETITIONER**

**VERSUS**

\_\_\_\_\_ Company Ltd New

Delhi                                                           **RESPONDEN NO. 1**

2. Manager Accounts

Accounts Department

\_\_\_\_Company Ltd

New Delhi                                                    **RESPONDENT NO. 2**

3. The Chief Executive Officer\_\_\_\_\_ Company Ltd

New Delhi                                                 **RESPONDENT NO. 3**

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING FOR DIRECTION OR ORDER IN THE NATURE OF PROHIBITION TO THE RESPONDENTS, PROHIBITING THEM FROM PROCEEDING FURTHER WITH THE DISCIPLINARY PROCEEDING ON THE BASIS OF THE ENQUIRY REPORT OF RESPONDENT NO. 2.

To,
The Hon'ble Chief Justice of High Court,

And His Companion Judges of the

Hon'ble High Court of Delhi.

The humble petition of the
Petitioner above named.

**THE PETITIONER MOST RESPECTFULLY SHOWETH:**

1. That the Petitioner is filing the present writ petition under article 226 of the constitution of India Praying for direction or order in the nature of prohibition to the respondents , prohibiting them from proceeding further with the disciplinary proceeding on the basis of the enquiry report of respondent No. 2.

2. That, the Petitioner was appointed as the Accounts Executive of Respondent No.1, a Government Company, having its registered office at \_\_\_\_\_\_\_\_\_\_\_ on \_\_\_\_\_\_\_\_\_.

3. That Respondent No. 1 Company is discharging public functions and financed by the State of \_\_\_\_\_\_\_\_\_, and is a "State" under Article 12 of the Indian Constitution. Therefore, this petition against the Company is amenable before this Honbl'e Court.

4. The Petitioner has served the Company as Accountant for the period of 2 years before being promoted as the Accounts Executive. The Petitioner has been a diligent employee of the Company since the date of his appointment.

5. That, on \_\_\_\_\_, while serving as Accounts Executive, he was served with a disciplinary notice stating his inefficiency in performance. Copy of the disciplinary Notice is Annexed herewith and Attached as **Annexure P1**.

6. The enquiry into the said charges was made by the Accounts Manager of the Company. On the basis of the report of Respondent No. 2 which was send to the Respondent 3 a show cause notice dated \_\_\_\_\_\_\_\_\_ was sent to the Petitioner, stating why he should not be dismissed from service. A copy of the said show cause notice is Annexed herewith and attached as **Annexure-P2**.

7. That according to the Company Rules, the enquiry into the disciplinary charges is to be only made by the third party enquiry officer. The enquiry was made by a person not duly authorized to do so, i.e. Respondent No.2.

**GROUNDS**
8. That the present Writ Petition is being filed on the following, amongst other, grounds without prejudice to each other;

i. Because the procedure adopted by the Company in initiating disciplinary proceedings is against the Company's rules i.e. Rule \_\_\_\_\_and regulations.

ii. Because the enquiry report of the Respondent No. 2 is not valid as he is the Reporting Manager of the Petitioner. The Petitioner had filed Complaint to the Management of the Company against Respondent No. 2 on \_\_\_\_\_\_ with corruption allegation and siphoning of funds. So Respondent No. 2 has personal enmity to the Petitioner due to reporting of his corruption case to the management.

iii. Because the Respondent No. 2 does not have the jurisdiction to prepare an enquiry report as per the Company's Rules and Regulations.

**PRAYERS**
In view of the facts & circumstances stated above, it is most respectfully prayed that this Hon'ble Court may be pleased to:-

a) Issue a Writ in the nature of Prohibition to the Respondents Prohibiting them from proceeding further with the disciplinary proceeding on the basis of the enquiry report of Respondent No.2;

b) Any other relief, order or direction this court may deem fit and proper under the facts and circumstances of this case.

**AND FOR THIS ACT OF KINDNESS THE APPLICANT AS IN DUTY BOUND SHALL EVER PRAY.**

**FILED BY:

(\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_)
ADVOCATE FOR THE PETITIONER**

DRAWN ON:
Drawn by:

New Delhi
Date:

**OTHER INFORMATION, DOCUMENTS TO BE ATTACHED WITH WRIT PETITION**

1. Notice of motion

2. Urgent application

3. Court fee

4. Certificate

5. Synopsis & list of dates

6. Memo of parties

7. Annexure to the Petition

8. Application for exemption from filing certified copies, dim and small font annexures with affidavit.

9. Vakalatnama on behalf of the petitioner.