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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 7113/2015**

% ***Judgment dated 29th July, 2015***

SAGARIKA DAS

..... Petitioner

Through : Advocate (Appearance not given)

versus

UNION OF INDIA & ORS

..... Respondents

Through : Mr.J.S. Bhasin, Ms.Rashmi Priya and
Mr.Nishant Shokeen, Advs.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G.S.SISTANI, J (ORAL)

CM APPL.NO. 13043/2015

1. Exemption allowed subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 7113/2015

3. By the present petition filed under Articles 226 and 227 of the Constitution of India the petitioner seeks quashing of the order dated 12.5.2015 passed by Central Administrative Tribunal whereby the case of the petitioner was rejected.
4. The facts of this case, as noticed by the learned Tribunal, are that prior to the filing of OA before the Tribunal, disciplinary proceedings were initiated against the petitioner herein and a charge sheet was issued on

29.12.2012. The disciplinary authority, based on the enquiry report dated 30.4.2014 passed an order of penalty on 6.4.2015. Learned tribunal taking note of the above facts disposed of the O.A. on the ground that the petitioner would have to challenge the final order of penalty by filing an appeal.

5. Learned counsel for the petitioner submits that the learned Tribunal has failed to take into consideration that the grievance of the petitioner was with respect to rejection of the extension of maternity leave, which was sought by the petitioner under Rule 43(4)(b) of the Central Civil Service (Leave) Rules 1972. Counsel further submits that decision on this issue would be vital and in fact would go to the root of the matter.
6. Learned counsel for respondent no.1 enters appearance on an advance copy.
7. After some hearing in the matter, as agreed, the present writ petition is disposed of with the following directions.

- (i) The impugned order dated 12.5.2015 passed by the Tribunal is set aside;
- (ii) The matter is remanded back to the Tribunal to decide the O.A. filed by the petitioner herein on merits; and
- (iii) It will be open for the petitioner to make an appropriate application for placing additional documents on record.

8. The Tribunal is requested to dispose of the O.A. as expeditiously as possible.

CM APPL. 13044/2015 & 13045/2015

9. Applications stand dismissed in view of the order passed in the writ petition.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

JULY 29, 2015

msr