

\$~07.

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

+ W.P.(C) 7826/2015

% *Judgment dated 9th September, 2015*

RAKHI MEHRA

..... Petitioner

Through : Mr.Sanjeev Joshi and Mr.Brajesh Kumar
Singh, Advs.

versus

UNION OF INDIA AND ANR.

..... Respondents

Through : Mr.Vaibhav Kalra, Adv. for R-1.
Mr.Krishan Kumar, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G.S.SISTANI, J (ORAL)

1. Present petition has been filed by the petitioner under Articles 226 and 227 of the Constitution of India seeking a direction to set aside the Order dated 24.7.2015 passed by learned Central Administrative Tribunal (hereinafter referred to as the “CAT”) in OA No.2673/2015 and also quash the charge sheet dated 3.2.2009 and the consequent proceedings arising therefrom.
2. The petitioner had approached the Central Administrative Tribunal seeking following relief:

“It is, therefore, most respectfully prayed that this Hon’ble Tribunal may graciously be pleased to:

- a) set-aside the Charge-Sheet dated 03.02.2009 and Enquiry Proceedings arising out of the said Charge-Sheet, started on 26.4.2010 and continuing till date belatedly;
- b) pass such other and further order as this Hon’ble Tribunal may deem fit and proper in the interest of justice.”

3. Learned Tribunal has dismissed the OA on the ground that there is an inordinate unexplained delay on the part of the petitioner in approaching the Tribunal for quashing of charge sheet after the proceedings have commenced and the petitioner had participated in the proceedings without any protest.
4. We have heard learned counsel for the parties. We may notice that on the last date of hearing, learned counsel for the petitioner informed the Court that the petitioner had been transferred to Chinnai and it would be difficult for the petitioner to participate in the enquiry. We had asked the learned counsel for respondent no.1 to take instructions in the matter. Today, we are informed that the order of transfer has been kept in abeyance.
5. We have also perused the order passed by the Tribunal and find no grounds to interfere in the same. It would be open for the petitioner to raise the grounds of delay at an appropriate stage.
6. Learned counsel for the respondents have submitted that the delay in completion of enquiry was on account of unforeseen circumstances including transfer of officers.
7. To meet the ends of justice, we direct respondent no.2 to complete the enquiry within four months from today. All parties to cooperate in completion of the enquiry within the time allowed.
8. With these directions petition stands disposed of. DASTI.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

SEPTEMBER 09, 2015 msr