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

+ **W.P.(C) 4374/2016**

SUBROTO DAS

..... Petitioner

Through Mr. Prateek Tushar Mohanty, Advocate.

versus

**PENSION FUND REGULATORY AND DEVELOPMENT
AUTHORITY AND ANR.**

..... Respondents

Through Mr. Shanker Raju & Mr. Nilansh Gaur,
Advocates for respondent No. 1.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

17.05.2016

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This writ petition impugns order dated 22nd April, 2016 passed by the Principal Bench of the Central Administrative Tribunal, whereby OA No. 1397/2016 has been dismissed.

2. We have heard counsel for the petitioner and the respondent, who is present on advance notice.

3. The Inquiry Officer against whom allegations of bias were raised before the tribunal and in this writ petition, has submitted his report. The disciplinary authority has passed an order dated 2nd May, 2016 removing the petitioner from service. The petitioner has filed an Original Application before the tribunal challenging the order of removal.

4. Learned counsel for the respondent submits that the petitioner is at liberty to raise all contentions, including the allegations of bias in the said OA. He has drawn our attention to the impugned order and submits that the tribunal has been careful not to make any observations on merits as it could prejudice either side during the course of the disciplinary proceedings.

5. Learned counsel for the petitioner, in view of the statement made by the counsel for the respondent, submits that he would raise all contentions of bias in the new OA.

6. In view of the aforesaid position, we are not inclined to entertain the present writ petition, but give liberty to the petitioner to raise all allegations and contentions with regard to bias in the OA. We also note that the respondent has submitted that the allegations of bias are incorrect. The respondent will be equally entitled to rebut the said contention on legal and factual ground.

With the aforesaid observations, the writ petition is dismissed as withdrawn.

SANJIV KHANNA, J.

NAJMI WAZIRI, J.

**MAY 17, 2016
VKR/NA**