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

+ W.P.(C) 10600/2016

KULDEEP PAKAD

..... Petitioner

Through Mr. M.K. Bhardwaj & Ms. Shriambhara  
Kashyap, Advocates.

versus

UOI & ORS.

..... Respondent

Through Mr. Rajesh Gogna, CGSC for respondent  
Nos. 1 and 2.

**CORAM:**

**HON'BLE MR. JUSTICE SANJIV KHANNA**

**HON'BLE MR. JUSTICE CHANDER SHEKHAR**

**ORDER**

**09.11.2016**

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Learned counsel for the petitioner, on instructions from the petitioner, who is present in the Court, states that he would not press the present writ petition. He, however, submits that there are certain observations made in the impugned order passed by the Tribunal dated 1<sup>st</sup> August, 2016, which can be misconstrued by the disciplinary authority and the inquiry officer as findings against the petitioner. He further submits that the petitioner had bonafidely filed the original application before the Tribunal and after considering different aspects an interim order was passed.

2. Learned counsel for the petitioner has also drawn our attention to order dated 15<sup>th</sup> June, 2016 passed in the case of Om Prakash Pandey. He states that the finding in the said order would enure to the benefit of the

petitioner herein.

3. On the second argument, we would not say anything as it is for the inquiry officer/disciplinary authority to examine the merits. Of course, it will be open to the petitioner to rely upon the said order. However, we clarify that we have not expressed any view on whether the said order dated 15<sup>th</sup> June, 2016 would be applicable to the case of the petitioner.

4. We also clarify that the observations made by the Tribunal in the impugned order dated 1<sup>st</sup> August, 2016 dismissing the OA would not be construed as adverse observations or findings recorded by the Tribunal on merits. The inquiry officer/disciplinary authority, and if required the appellate authority, will independently apply their mind to the evidence, facts and circumstances.

5. We would also take on record the statement made by the counsel for the petitioner and the counsel for the respondent that they will like an expeditious disposal of the disciplinary proceedings.

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 With the aforesaid observations, the writ petition is dismissed as withdrawn.

**SANJIV KHANNA, J.**

**CHANDER SHEKHAR, J.**

**NOVEMBER 09, 2016**  
**VKR**