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

+ **W.P.(C) 11495/2016**

C.M. CHANDOLIA

..... Petitioner

Through Mr. Pramod Kharwar and Mr. Amit
Attri, Advocates.

versus

UNION OF INDIA AND ORS

..... Respondents

Through Ms. Biji Rajesh and Ms. Eshita
Baruah, Advocates.
Mr. A.S. Singh, Advocate for the CVC.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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06.12.2016

The contention of the petitioner is that the departmental proceedings have been initiated on the recommendation or advice of the Central Vigilance Commission. This, it is asserted, is illegal. The Department had not accepted the recommendation of the Central Bureau of Investigation (CBI) and only after the advice by the Central Vigilance Commission that the charge sheet dated 6/9.5.2016 was issued.

We have considered the said contention, but do not find any merit in the same. The petitioner is unable to show that the disciplinary authority or department could not have sought advice from the Central Vigilance Commission. There is nothing in the

statute or the procedure, as established, which bars the department from seeking advice from the Central Vigilance Commission. Internal notings are not conclusive and final. Before the final decision is communicated, the matter or issue can be examined. Opinions and views of others can be ascertained. This ensures objectivity. Upon consideration of several facets, the decision to initiate departmental proceedings was taken by the competent authority and charge sheet was issued. Given the limited scope of judicial review, at this stage, the charge sheet cannot be quashed and set aside for the contention raised.

The writ petition is accordingly dismissed.

We clarify that we have deliberately not examined the merits of the charge sheet, for it may cause prejudice to the parties. We also clarify that dismissal of the writ petition would not be construed as observation on merits of the charge.

SANJIV KHANNA, J.

CHANDER SHEKHAR, J.

DECEMBER 06, 2016
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