

\$~5

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 9937/2015 & C.M.13211/2016
SANDEEP KUMAR Petitioner
Through: Mr. Udyan Srivastava, Advocate
versus

UNION OF INDIA & ANR Respondents
Through: Mr. Manish Mohan, CGSC, with
Mr. Shivam Chanana, Ms.
Manisha Saroha and Ms. Aanchal
Athwani, Advocates for
respondent-UOI

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
08.04.2016

%

1. The present application (C.M.13211/2016) has been filed by the petitioner praying *inter alia* for issuance of directions to the respondents to accept his unconditional apology and reinstate him in service.
2. It is pertinent to note that on 28th March, 2016, an application (C.M. 11408/2016) was filed by the petitioner for seeking modification of the order dated 14th March, 2016. However, learned counsel for the petitioner had sought leave to withdraw the said application while reserving the right of the petitioner to assail the impugned order on the ground of proportionality of the punishment inflicted on him in respect of an offence of remaining absent from duty for a period of 119 days, that has resulted in his dismissal from service.
3. Instead of filing an application on the aspect of proportionality of

the punishment inflicted on the petitioner, the present application has been filed seeking the petitioner's reinstatement in service.

4. Learned counsel for the petitioner states that the petitioner may be permitted to file a representation before the competent authority for seeking reduction of the punishment inflicted upon him on the ground of dis-proportionality, which may be directed to be decided in accordance with law at the earliest.

5. Having regard to the aforesaid submission made by learned counsel for the petitioner, the writ petition is disposed of with liberty granted to the petitioner to file a representation before the respondents for seeking reduction of the punishment inflicted on him within a period of two weeks from today. On receipt of the said representation, the respondents shall consider the same only on the aspect of the alleged dis-proportionality of the punishment inflicted upon the petitioner and decide the same within a period of six weeks, under written intimation to the petitioner. If the petitioner's grievance still survives, he shall be entitled to seek his remedies, if so advised, in accordance with law.

6. The petition is disposed of along with the application.

HIMA KOHLI, J

SUNIL GAUR, J

APRIL 08, 2016

s