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

+ **W.P.(C) 3533/2017**

NEW DELHI MUNICIPAL COUNCIL AND ORS. Petitioners

Through: Ms.Sriparna Chatterjee, Advocate

versus

SHATRUGHAN PRASAD TIWARI Respondent

Through: Mr.M.K.Bhardwaj and

Mr.M.D.Jangra, Advocates

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

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03.05.2017

The petitioners have assailed the order dated 17.08.2016 passed by the Central Administrative Tribunal (Principal Bench), New Delhi (the Tribunal) in M.A.2493/2016 in O.A.2133/2016 preferred by the respondent. The impugned order reads as follows:

“MA No.2493/2016

Heard.

Issue notice to the respondents. To be heard with main OA.

Meanwhile, further proceedings in the Departmental Enquiry initiated against the applicant are stayed.

Issue Dasti.”

The petitioner NDMC has assailed this order with the grievance that the departmental enquiry against the respondent has been stayed by the Tribunal without disclosing any reasons, and the petitioners' application to seek vacation has not been heard and disposed of. It is informed to the court that the case was listed lastly on 26.04.2017 and

the same now stands adjourned to 29.07.2017.

In service jurisprudence, normally, the departmental enquiries are not stayed. However, in case, the applicant/delinquent makes out a case for grant of stay of the departmental enquiry proceedings, the court/tribunal concerned is expected to record its reasons therefor, after *prima facie* appreciation of the merits of the case. In the present case, the impugned order discloses no such reasons. In these circumstances, in the normal course we would have suspended the aforesaid order, and left it to the Tribunal to pass a speaking order recording its reasons for its order, after hearing the parties. However, since learned counsel for the respondent submits that the Tribunal had its reasons – though they have not been disclosed in the impugned order, for staying the departmental proceedings, we propose to follow a different course.

In these circumstances, we permit the petitioner to move an application for early hearing of its application for vacation of the stay, and if such an application is moved, the Tribunal may consider the vacation of stay application and dispose off it with a reasoned order within two weeks. However, in case no reasoned order is passed by the Tribunal, the interim order dated 17.08.2016 shall stand vacated.

The petition stands disposed of in the above terms.

Dasti.

VIPIN SANGHI, J

DEEPA SHARMA, J

MAY 03, 2017

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