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

+ **W.P.(C) 3658/2017 & C.M.16101/2017**

VINAY PRAKASH

..... Petitioner

Through: **Mr.Pratap Ch.Misra, Advocate**

versus

**DIRECTOR GENERAL PRISONS, GOVT. OF NCT OF DELHI &
ORS.**

..... Respondents

Through: **Mr.Anuj Aggarwal, ASC, GNCTD
with Ms.Deboshree Mukherjee,
Advocate for R-1 to R-3.**

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

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02.05.2017

1. The petitioner has preferred the present writ petition to assail the order dated 17.03.2017 passed in O.A.3580/2015 by the Central Administrative Tribunal (Principal Bench), New Delhi (the Tribunal). By the impugned order, the petitioner's said Original Application was dismissed by the Tribunal on the ground that the petitioner has statutory remedy by way of an appeal to assail the order dated 07.09.2015 passed by Disciplinary Authority dismissing the petitioner from service. While passing the order dated 07.09.2015, the Authority has invoked the powers conferred by clause (c) of the second proviso to Article 311 (2) of the Constitution of India read with Rule 19 of the CCS (CCA) Rules 1965. According to the petitioner, the Disciplinary Authority was not competent to invoke the

said constitutional powers. The Tribunal has taken the view that it is open to the petitioner to raise all his grievances in his statutory appeal before the Appellate Authority. It is informed by the petitioner that he has already preferred the statutory appeal on 21.03.2017.

2. Since the petitioner has a statutory remedy available, in our view, the Tribunal was correct in not entertaining the Original Application at this stage. However, the Appellate Authority is requested to expedite the consideration of the statutory appeal of the petitioner.

3. This petition along with the pending application stands dismissed.

VIPIN SANGHI, J

DEEPA SHARMA, J

MAY 02, 2017

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