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

+ **W.P.(C) 4146/2017 & C.M. No.18160/2017**

SAMEER AGRAWAL

..... Petitioner

Through

Mr.Sameer Aggarwal, Petitioner in person.

versus

SECRETARY, MINISTRY OF I & B & ORS

..... Respondents

Through

Mr.Sanjeev Uniyal, Adv. with
Mr.Dhawal Uniyal, Adv. for UOI.
Mr.Rajeev Sharma, Adv. with
Ms.Radhalakshmi R., Adv. for R-2.
Mr.T.N. Tripathi, Adv. for R-3 to 28.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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07.09.2017

We have heard Mr.Sameer Agrawal, petitioner who is present in person as well as Mr.Sanjeev Uniyal, Advocate for Union of India; Mr.Rajeev Sharma, Advocate for respondent no.2 & Mr.T.N. Tripathi, Advocate for respondent nos.3 to 28. The counsels for all the respondents submit that the petitioner had, in no manner, mislead the Tribunal. They further submit that the petitioner had not stated before the Tribunal, that the Ministry is not concerned with grant of promotion to the STS grade. Mr.Aggarwal, the petitioner has pointed out that in the order recorded before the Tribunal on 25th October,

2016 he had submitted “that the Ministry is not the competent authority to grant promotion and was only required to direct Prasar Bharti to grant consequential benefits....”

In view of the aforesaid, we are of the view that the impugned order recording a prima facie finding against the petitioner that he had made a misleading statement on 25th October, 2016, is not at all justified. We, therefore, expunge the last six lines of para 8 of the impugned order dated 3rd February, 2017 beginning with the words “Thus, prima facie,.....” and ending with “an opportunity to explain the statement made by him before us.”

We also discharge the notice issued to the petitioner by the Tribunal requiring him to remain present before the Tribunal to explain his position.

We are also informed that the Tribunal had itself discharged the petitioner subsequently on 1st June, 2017. A copy of the said order has been tendered in Court and the same is taken on record.

The writ petition is allowed in the aforesaid terms.

VIPIN SANGHI, J

REKHA PALLI, J

SEPTEMBER 07, 2017/aa