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

+ W.P.(C) 8955/2014 & CM APPL. 20484/2014

UNION OF INDIA

..... Petitioner

Through: Mr. Amit Mahajan, CGSC with Mr.
Nitya Sharma, Mr. Kunal Dutt, Adv.

versus

NIRAJ KUMAR

..... Respondent

Through: Ms. Jyoti Singh, Sr. Adv. with Ms.
Tinu Bajwa, Mr. Dhiraj Kumar and
Mr. Himanshu Gautam, Adv. a/w
respondent in person

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI
HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER
20.04.2017

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After we had heard detailed submissions of learned counsels, on instructions from the respondent—who is present in court, Ms. Singh submits that the impugned order passed by the tribunal in O.A. No.705/2013 dated 01.09.2014 may be set aside. She submits that the respondent shall raise the issue of discrimination – on account of proceedings not being taken against Thomas Mathew, before the disciplinary authority at the appropriate stage, if

the stage arises. It is also conceded by the respondent that the original application had been preferred primarily on the ground that the enquiry proceedings had abated on account of the same not being completed by 17.11.2012.

It is agreed that on the said aspect, the matter be remanded back in view of the fact that the petitioner's application to seek extension of time dated 17.11.2012, which had been moved before the tribunal in O.A. No.1126/2011 and also the counter affidavit filed by the petitioner before the tribunal in the present original application, disclosing the reasons for the enquiry not being completed by 17.11.2012, have not been considered in the impugned order.

In view of the aforesaid, the impugned order is set aside. The matter is remanded back to the tribunal for consideration on the aspect of condonation of delay sought by the petitioner for the period after 17.11.2012, since the delay, if any, before the passing of the order dated 18.07.2012 in O.A. No. 1126/2011 (in the conclusion of the enquiry proceedings) stood already condoned when the said order dated 18.07.2012 was passed, granting time of four months for completion of the enquiry.

The tribunal shall examine the proceedings undertaken by the enquiry officer after 18.07.2012 to decide whether, or not, the request of the petitioner for grant of further time to conclude the enquiry was justified.

The petitioner shall locate the application filed for extension of time in O.A. 1126/2011 on 17.11.2012. However, in case the same is not located, the petitioner shall be at liberty to place another copy of the application on

record before the tribunal. The parties shall appear before the tribunal on 02.05.2017.

The petition stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

DEEPA SHARMA, J

APRIL 20, 2017

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