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

+ **W.P.(C) 8978/2017**

RAJ KUMAR

..... Petitioner

Through Petitioner-in-person.

versus

GOVT. OF NCT OF DELHI & ORS

..... Respondent

Through Mr. Satyakam, Adv.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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13.10.2017

Issue notice.

Counsel for the Respondent accepts notice.

The short grievance raised by the petitioner in the present writ petitioner which assails the order dated 11.08.2016 passed in O.A. No.100/3278/2013 by Central Administrative Tribunal, Principal Bench, New Delhi is that the Tribunal has held that the petitioner would not be entitled to backwages on the principle of 'no work no pay' between the date of his dismissal under Article 311(2)(b) of the Constitution of India and the date of his reinstatement. The Tribunal has set aside the said order of dismissal and directed the respondent to hold a regular departmental enquiry against the petitioner on account of his alleged involvement in criminal robbery.

It is agreed that since it has been left to the respondent to take

a decision whether or not to hold regular departmental enquiry, the decision on the manner in which the aforesaid period may be treated should also be left to the respondent to be determined after holding of the enquiry, if any, with reference to FR 54(2) & (3).

To the aforesaid extent, the order of the Tribunal stands modified.

The petition stands disposed of in the above terms.

VIPIN SANGHI, J

REKHA PALLI, J

OCTOBER 13, 2017

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