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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 8430/2017, CAV 831/2017, C.M. Nos.34740-34741/2017
GOVT. OF NCT OF DELHI THROUGH ITS CHIEF
SECRETARY AND ORS. Petitioners
Through Mr.Sanjoy Ghose, Adv.

versus

TARUN SHARMA Respondent
Through Mr.Kirti Uppal, Sr. Adv. with
Mr.Sumit Batra, Adv., Mr.Shrey
Chaitly, Adv., Mr.Sidharth Chopra,
Adv., Mr.Pravir Sethi, Adv. &
Ms.Diksha Mathur, Adv.

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI
HON'BLE MS. JUSTICE REKHA PALLI
ORDER
% **22.09.2017**

C.M. No.34741/2017

1. Exemption allowed, subject to just exceptions.

Cav No.831/2017

2. The caveator has appeared. The caveat stands discharged.

W.P.(C) No.8430/2017

3. The petitioner-Govt. of NCT of Delhi has preferred the present writ petition to assail the order dated 2nd August, 2017 passed by the Central Administrative Tribunal, Principal Bench, New Delhi in OA No.1380/2017. The Tribunal has allowed the said Original Application preferred by the respondent herein and quashed the

suspension of the respondent beyond 26th September, 2016 & 22nd March, 2017 i.e. beyond the period of ninety days, on the ground that no chargesheet was issued to the respondent during the said period of ninety days. The Tribunal has placed reliance on a decision of the Supreme Court in *Ajay Kumar Choudhary Vs. Union of India & Ors. (2015) 7 SCC 291*. We had occasion to deal with similar order passed by the Tribunal in the case of *Dr. Rishi Anand Vs. Govt. of NCT of Delhi* in which the Tribunal had similarly interpreted the aforesaid decision of the Supreme Court and quashed suspension. The writ petition preferred by the Govt. of NCT of Delhi i.e. Writ Petition (C) No.8134/2017 was allowed by us on 13th September, 2017. While setting aside the order of the Tribunal dealing with the suspension of the respondent, Dr. Rishi Anand, this Court had directed that in case suspension of the respondent is further extended, it shall be in conformity with Rule 10 of the CCS (CCA) Rule and reasons thereof shall be communicated to the respondent and that it shall be open to the respondent to assail the same on all available grounds. It may be observed that in the present case, the chargesheet was served upon the respondent on 17th January, 2017 i.e. well before the filing of the Original Application and the passing of the impugned order.

4. In view of the aforesaid, the present petition is allowed and the impugned order dated 2nd August, 2017 is set aside.

5. Mr.Ghose, learned counsel for the petitioners, states that the Suspension Review Committee shall be holding its meeting today to consider the aspect of further extension of the respondent's

suspension. In case the suspension is further extended, the reasons recorded by the Committee shall forthwith be communicated to the respondent.

6. At this stage, learned senior counsel for the respondent has raised a grievance that some documents which have been demanded by the respondent in relation to the disciplinary proceedings, are not being provided by the petitioners. Mr.Ghose states that an appropriate response to the request made by the respondent shall be given within a week.

7. The petition stands disposed of in the above terms.
Dasti.

VIPIN SANGHI, J

REKHA PALLI, J

SEPTEMBER 22, 2017/aa