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

+ W.P.(C) 1979/2018 and CM APPL. Nos.8145-46/2018

UNION OF INDIA (THROUGH ITS SECRETARY MINISTRY OF
INFORMATION & BROADCASTING) Petitioner

Through: Mr. Ripu Daman Bhardwaj, Advocate
with Mr. Sanjay Kumar (USMIB)

versus

YASHDEEP SINGH KATARIA, I.I.S

..... Respondent

Through: None.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **05.03.2018**

1. The petitioner/Union of India is aggrieved by the impugned order dated 08.11.2017, passed by the Central Administrative Tribunal allowing an O.A. filed by the respondent, serving as a Deputy Director (M&C) in Press Information Bureau, New Delhi, praying *inter alia* for quashment of the Memorandum dated 28.02.2017, issued by the petitioner, proposing to impose on him, a penalty of dismissal from services.

2. By the impugned order, the Tribunal has disposed of the O.A. filed by the respondent at the stage of admission itself, by relying on Rule 19(ii) of the CCS (CCA) Rules, 1965 and quashed the Memorandum dated 28.02.2017, with liberty granted to the petitioner to pass a fresh order in accordance with the mandate of Rule 19 of the CCS (CCA) Rules, 1965.

3. Learned counsel for the petitioner states that there is an error apparent

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on the face of record inasmuch as Rule 19(i) of the CCS (CCA) Rules, 1965 is applicable to the facts situation of the present case and not Rule 19(ii) of the CCS (CCA) Rules, 1965, referred to by the Tribunal.

4. If that is the case, then in our opinion, the petitioner ought to have first approached the Tribunal by filing a review application, pointing out the said error.

5. At this stage, learned counsel for the petitioner states that he may be permitted to withdraw the present petition while reserving the right of his client to approach the Tribunal by filing a review application. He however expresses an apprehension that the said application may not be entertained by the Tribunal on the ground that it is barred by limitation.

6. Having regard to the submission made by the learned counsel for the petitioner, it is deemed appropriate to dispose of the present petition with liberty granted to it to approach the Tribunal for seeking review of the impugned order dated 08.11.2017. If the petitioner files a review application within three weeks from today, then the aspect of limitation alone shall not be a ground to dismiss the same.

7. In the event, the grievance of the petitioner still survives, it is entitled to seek legal recourse, in accordance with law.

8. The present petition is disposed of alongwith the pending applications.

HIMA KOHLI, J

PRATIBHA RANI, J

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