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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 1919/2018
BHAGWATI SHARAN TIWARY Petitioner
Through: Mr. Ankur Chhibber, Advocate
versus

UNION OF INDIA AND ORS. Respondents
Through: Mr. Ripudaman Singh Bhardwaj, CGSC
with Mr. Jitendra Kumar Tripathi and Mr. T.P.
Singh, Advocates

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER
% **28.02.2018**

1. The present petition has been filed by the petitioner praying *inter alia* for quashing an order dated 16.02.2018, passed by the Central Administrative Tribunal in O.A. No.3698/2017.
2. Vide order dated 16.02.2018, the O.A. filed by the petitioner has been adjourned to 06.04.2018. The grievance of the petitioner is that several dates have been granted by the Tribunal to consider a miscellaneous application filed by him for staying the disciplinary proceedings initiated against him but due to the heavy board of the Tribunal, the matter did not reach for arguments. The situation was the same on 16.02.2018, when the miscellaneous application was adjourned alongwith the O.A., for 06.04.2018.
3. Learned counsel for the petitioner submits that by an earlier order dated 25.10.2017, the respondents were directed to file a short affidavit in response to the challenge laid by the petitioner to the charge memo dated W.P.(C) 1919/2018

14.07.2017, primarily on the ground that the same had been issued without obtaining the prior approval of the Disciplinary Authority, namely, the Minister of Civil Aviation. The other grievance raised was with regard to the allegedly wrongful reduction of the petitioner's subsistence allowance from 50% to 25%.

4. Enclosed with the short affidavit filed by the respondents before the Tribunal are typed copies of the relevant extracts of the noting file of the Department, which as per the petitioner, substantiate the submission made before the Tribunal that the charge memo was issued to him without obtaining the prior approval of the Minister. Learned counsel, however, states that the respondents failed to produce the original records before the Tribunal.

5. While declining to entertain the present petition when the next date fixed before the Tribunal is 06.04.2018, the respondents are directed to ensure that the original records, copies whereof have been enclosed with the short affidavit filed in terms of the order dated 25.10.2017 passed by the Tribunal, are kept available for the perusal of the Tribunal on the next date of hearing.

6. The petition is disposed of alongwith the pending application with a request made to the Tribunal to make an endeavour to hear arguments on the miscellaneous application filed by the petitioner on the date fixed, i.e., on 06.04.2018.

HIMA KOHLI, J

PRATIBHA RANI, J

FEBRUARY 28, 2018/rkb/na
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