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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 8194/2018 and CM Nos.31413-415/2018
MADAN MOHAN Petitioner
Through: Mr. Shankar Raju, Advocate.
versus
UNION OF INDIA Respondent
Through: Mr. Amit Mahaja, CGSC.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **06.08.2018**

1. The petitioner is aggrieved by an order dated 25.07.2018, passed by the Principal Bench, Central Administrative Tribunal, New Delhi dismissing O.A. No.2759/2018 filed by him praying *inter alia* for quashing the memorandum/ charge sheet dated 05.07.2018 issued to him in the name of the President of India.

2. By the impugned order, the Tribunal has declined to entertain the petitioner's original application on the ground that the allegations levelled by him need to be examined in the disciplinary enquiry and it is not appropriate for the Tribunal to interfere therein. As for a challenge laid by the petitioner to the alleged inappropriate approval accorded for initiating disciplinary proceedings against him, the Tribunal held that there was no defect in the said proceedings.

3. Mr. Raju, learned counsel for the petitioner opens his arguments by referring to an office order dated 03.04.2018, issued by the Department of Expenditure, Ministry of Finance, Government of India on the subject of

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allocation of work to the Minister of State in the Ministry of Finance and states that the said office order whereunder, certain subjects which were earlier handled by the Finance Minister, have been allocated to the Minister of State, pertaining to the Department of Expenditure could not include all disciplinary cases and the said powers could not have been sub-delegated and therefore, the said office order is non-est.

4. On perusing the relief prayed for in the O.A. filed by the petitioner, we find that no challenge was laid by him to the captioned office order, which the petitioner had himself filed alongwith the other documents.

5. At this stage, Mr. Raju, learned counsel for the petitioner seeks leave to withdraw the present petition, while reserving the right of his client to approach the Tribunal to challenge the office order dated 03.04.2018.

6. Leave, as prayed for, is granted. The petition is disposed of alongwith the pending applications.

7. We make it clear that this Court has not made any observations on the merits of the pleas taken by the petitioner in the present petition including those relating to the office order dated 03.04.2018. If the petitioner approaches the Tribunal to assail the office order dated 03.04.2018, it is left to the Tribunal to take a view in the matter, in accordance with law. The respondents shall be entitled to take all pleas in opposition to the said petition including its maintainability before the Tribunal.

HIMA KOHLI, J

REKHA PALLI, J

AUGUST 06, 2018/na/rkb
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