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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 10659/2018 & CM Nos.41562/2018, 41585/2018**

RAJENDRA MAHTO Petitioner
Through: Mr.Padma Kumar S., Adv. with
petitioner in person.

versus

UNION OF INDIA Respondent
Through: Ms.Suparna Srivastava with
Mr.Tushar Mathur, Adv. for R-1.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **08.10.2018**

1. The petitioner is aggrieved by a judgment dated 21.09.2017 passed by the Central Administrative Tribunal dismissing OA No.1276/2013 filed by him for quashing and setting aside the charge memo dated 10.05.2007, the report of the Enquiry Officer dated 18.06.2008, several orders of suspension issued against him, the order dated 26.09.2008 passed by the disciplinary authority removing him from service as also the order dated 09.04.2009 of the appellate authority upholding the aforesaid order of dismissal dated 26.09.2008. The petitioner has also challenged the order dated 03.01.2011 passed by the Revisional Authority rejecting his revision petition. Vide the judgment dated 21.09.2017, the Tribunal has passed a detailed order holding *inter alia* that there has been no violation of the principles of natural justice in the present case and the conclusion drawn by the respondents is based on the evidence on the record, we are inclined

W.P.(C) 10659/2018

page 1 of 2

to agree with the view expressed by the Tribunal.

2. Learned counsel for the petitioner states on instructions that instead of pressing the present petition on merits, he may be permitted to withdraw the same while reserving the right of the petitioner to submit a detailed representation to the respondent for considering his case on compassionate grounds under Rule 41 of the CCS (Pension) Rules for grant of compassionate allowances, in view of the fact that he has rendered more than 25 years of service.

3. In view of the submissions made hereinabove, the present petition is disposed of as not pressed while granting liberty to the petitioner to approach the respondent by filing a substantive representation for grant of compassionate allowance under the extant rules. As and when the petitioner submits such a representation, the respondent shall consider the same in accordance with law and pass a speaking order under written intimation to him within six weeks from the date of receipt of the said representation. If the petitioner is aggrieved by the decision taken by the respondent, he shall be at liberty to assail the same before the competent authority vested with territorial jurisdiction.

4. The petition is disposed of along with the pending applications.

HIMA KOHLI, J

REKHA PALLI, J

OCTOBER 08, 2018

gm

W.P.(C) 10659/2018

page 2 of 2