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

+ W.P.(C) 23/2019

RAMAYANA SINGH MEENA

..... Petitioner

Through: Mr. S.K. Pandey, Mr. Chandra
Shekhar and Mr. Anshul Rai,
Advocates.

versus

UNION OF INDIA & ANR

..... Respondents

Through: Mr. Ripu Daman Bhardwaj and
Mr.T.P. Singh, Advocates for R-1.
Mr. Saket Sikri and Mr. Jasbir
Bidhuri, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

% **07.01.2019**

CM APPL. 93/2019

1. Exemption allowed subject to all just exceptions.

W.P.(C) 23/2019

2. Issue notice.

3. Mr. Bhardwaj, Advocate and Mr. Sikri, Advocate accepts notice on behalf of respondent No.1 and respondent No.2, respectively.

4. The petitioner had preferred the Original Application being OA No.4443/2018 to seek reinstatement in service on the ground that his conviction in the criminal case i.e. S.T.(CBI) Case No.01 of 2013 under Section 471 of IPC by the Court of Special Judge, Prevention of Corruption Act, 1988 had been set aside by the Hon'ble High Court of Sikkim in Criminal Appeal No.29/2016 vide order dated 15.03.2018. Consequently,

his termination, which was premised solely on the said conviction, was liable to be recalled. The Central Administrative Tribunal, Principal Bench, New Delhi (in short 'Tribunal') had disposed of the Original Application with a direction to the respondents to pass a reasoned and speaking order within 90 days from the date of receipt of certified copy of the said order.

5. The petitioner is aggrieved by the impugned order and contends that the Tribunal need not have granted time to the respondents to pass an order and should have straightway directed the reinstatement of the petitioner.

6. At this stage, it would be pre-mature to jump to the conclusion that the setting aside of the conviction of the petitioner in appeal would *ipso facto* lead to the withdrawal of the termination order. The order passed by the High Court of Sikkim in Criminal Appeal No.29/2016 needs examination and premised on that the respondents would have to pass an order in accordance with law.

7. Since the respondents are present, a statement is made by Mr. Sikri, learned counsel for the respondents, on instructions, that the respondents shall positively comply with the directions dated 05.12.2018 and shall pass the order within 90 days as directed by the Tribunal. This undertaking of the respondents is taken on record.

8. The petition stands disposed of accordingly.

VIPIN SANGHI, J

A. K. CHAWLA, J

JANUARY 07, 2019

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