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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 2445/2019, C.M. Appl. No. 11398/2019**
MOHD AKBAR

..... Petitioner

Through: Kumar Rajesh Singh, Ms. Punam
Singh, Advocates

versus

UNION OF INDIA & ORS

..... Respondent

Through: Mr. J.K. Singh, Standing Counsel for
Railways and Mr. Harsh Pandit,
Advocate

CORAM:
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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15.04.2019

The petitioner impugns the order of the Central Administrative Tribunal (hereinafter referred to as 'CAT') granting liberty to him to prefer a mercy appeal before the President. The petitioner, was issued charge sheet for absence from duty and pursuant to the inquiry, he was dismissed from service. The appeal preferred by the petitioner was dismissed; he sought revision, which was not accepted. When he had approached the CAT, the impugned order rejected these applications on the ground that he should approach the President with a mercy petition.

This court is of the opinion that since the petitioner has

exhausted the available departmental remedies of appeal and revision, the question of further requiring him to approach the President was not a valid ground for rejection of the applications. The impugned order dated 17.10.2018 of the CAT is therefore set aside. The matter is accordingly remitted for the fresh consideration and decision on merits, after a hearing is granted to the parties, by the Central Administrative Tribunal in accordance with law. Parties are directed to appear before the concerned Bench of CAT on 20.05.2019 for appropriate directions/further hearing.

The writ petition is allowed in the above terms.

S. RAVINDRA BHAT, J

PRATEEK JALAN, J

APRIL 15, 2019

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