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

+ **W.P.(C) 8030/2019**

SH. G.S. DHODI

..... Petitioner

Through: petitioner in person.

versus

LT. GOVERNOR, GOVT. OF NCT OF DELHI AND ORS.

..... Respondent

Through: Mrs. Avnish Ahlawat with Ms. Palak
Rohmetra, Advs. for R-1, 3 & 4.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

25.07.2019

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Issue notice. Learned counsel for the respondent accepts notice.

The petitioner, who appears in person has preferred the present writ petition to assail the order dated 21.01.2019, passed by the Central Administrative Tribunal, Principal Bench, New Delhi (the Tribunal) in O.A No. 4478/2013.

The limited grievance of the petitioner is that in the Original Application preferred by him, he had assailed the charge sheet and the enquiry proceedings initiated against him on several grounds. However, the Tribunal has disposed of the Original Application only on one ground, namely that the UPSC advice dated 19.08.2013 had not been served upon

the petitioner before passing of the impugned order of penalty dated 26.08.2013 and, consequently, there was breach of principles of natural justice. The Tribunal has quashed the order of penalty dated 26.08.2013 and directed the respondents to proceed in the matter from the stage of receipt of the advice of the UPSC in compliance of the decision of the ***Supreme Court in Union of India & Ors. v. S.K. Kapoor***, (2011) 4 SCC 589. The petitioner submits that his other challenges have not been decided in the Original Application.

Considering the fact that the respondents have been directed to pass a fresh order after granting opportunity to the petitioner to represent in respect of the advice of the UPSC, we are not inclined to examine the petitioner's challenge to the enquiry proceedings on merits at this stage since it would be pre-mature for us to do so.

The petitioner states that he has already sent his representation about two months ago. However, no final order has been passed by the respondents till date.

Considering the fact that the petitioner is 69 years old and is retired, we direct the respondents to pass a fresh reasoned order within two months from today. The reasoned order should deal with all the submissions that the petitioner has raised in his representations in respect of the enquiry report and the UPSC advice. The pleas taken by the petitioner in the present case shall also be considered and addressed while passing the reasoned order. In case, the petitioner is still aggrieved by the final order that may be passed, it shall be open to him to raise all his pleas, including the pleas that he had raised earlier in the Original Application and which, according to him, the Tribunal did not consider while disposing of the petitioner's

application.

The petition stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

RAJNISH BHATNAGAR, J

JULY 25, 2019

N.Khanna