

\$~39.

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

+ **W.P.(C) 8253/2019**

RAJIV RAI

..... Petitioner

Through: Mr. Shivendra Singh, Advocate.

versus

**ALL INDIA INSTITUTE OF MEDICAL
SCIENCES & ORS.**

..... Respondents

Through: Mr. Satya Ranjan Swain, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER
31.07.2019

%

C.M. Nos. 34247-34248/2019

Exemptions allowed, subject to all just exceptions.

The applications stand disposed of.

W.P.(C) 8253/2019 and C.M. No. 34246/2019

Issue notice. Learned counsel for the respondents accepts notice.

The petitioner is aggrieved by the orders dated 09.01.2019 and 23.01.2019 passed by the Central Administrative Tribunal, Principal Bench, New Delhi (CAT/ Tribunal) in O.A. No.86/2019. He is also aggrieved by the communication dated 09.07.2019 issued by the respondents serving the petitioner with the inquiry report.

The petitioner has preferred the aforesaid Original Application to

assail the Disciplinary Inquiry proceedings initiated against him. The Original Application is pending consideration. On 09.01.2019, when the matter was taken up by the Tribunal, Mr. V.S.R. Krishna appeared on behalf of the respondents and also participated in the proceedings by informing that the similar matter has been agitated by the petitioner/ applicant. The respondents were granted two weeks time to file their reply. The matter was directed to be listed on a relatively short date, i.e. 23.01.2019. On 23.01.2019, Mr. Subodh Kaushik appeared on behalf of Mr. V.S.R. Krishna, learned counsel for the respondents. The Tribunal observes that notice has not yet been served. It directed the petitioner to contact the Registry to ensure that the address of the respondents is correct so that notice may be served at the earliest.

We may observe that respondents No.2 & 3 were the Director, AIIMS and the Inquiry Officer holding the position of Administrative Officer (Recruitment Cell) of the AIIMS. When the matter was taken up on 09.01.2019, or even on 23.01.2019, it was not claimed by, or on behalf of Mr. Krishna that he was not appearing for the Director, AIIMS, or the Inquiry Officer – who is the Administrative Officer (Recruitment Cell) of the AIIMS. Since they are both officers of the AIIMS, it goes without saying that Mr. Krishna had put in appearance on behalf of all the respondents. In these circumstances, we are of the view that there was no necessity of directing service of notice on the said respondents. They had already put in appearance through counsel not only on 09.01.2019 but also on 23.01.2019.

The grievance of the petitioner is that the respondents have till date not filed their reply even though two weeks time was granted on 09.01.2019

and there is no returnable date fixed before the Tribunal. Sufficient time has already lapsed in the matter. We, therefore, grant the respondents two weeks time to file their reply before the Tribunal, failing which their right to file the same shall stand closed.

The parties shall appear before the Tribunal on 19.08.2019 when the matter shall be taken up by the Tribunal for fixing a date convenient to it for hearing the matter. It goes without saying that the disciplinary proceedings which are in progress would be subject to final order that the Tribunal may pass in the Original Application.

The petition stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

RAJNISH BHATNAGAR, J

JULY 31, 2019

B.S. Rohella