

\$~17

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

+ **W.P.(C) 8618/2019**

SH. M. N. SAXENA

..... Petitioner

Through: Ms. Tamali Wad and Ms. Saumya
Jain, Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr. Hanu Bhaskar, Adv. for R-2.
Mr. Zoheb Hossain, Adv. for R-3.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

%

09.08.2019

CM Nos. 35641-42/2019

Exemptions allowed, subject to all just exceptions.

The applications stand disposed of.

W.P.(C) 8618/2019

The petitioner has assailed the order dated 8.7.2019 passed in C.P./100/174/2018 arising out of O.A No. /100/3556/2017 preferred by the petitioner. The Original Application aforesaid preferred by the petitioner was disposed of by the Tribunal with the direction to the respondents to provide the copy of the enquiry report to the petitioner within three weeks from the date of receipt of a copy of the order dated 22.12.2017. It was further directed that the enquiry proceedings be completed and the final order be passed within two months thereafter. It was also directed that the petitioner be granted provisional pension as admissible under the Rules. So far as the grant of provisional pension is concerned, the same has been released to the petitioner. Since the petitioner is aggrieved by the fact that the enquiry proceedings have not been completed within

the time stipulated in the order dated 22.12.2017, thus he has preferred the aforesaid contempt proceeding which have been pending for some time. By the impugned order, the respondents have been granted time to file their affidavit disclosing steps taken by them. The matter stands adjourned to 23.9.2019. The impugned order shows that the petitioner had opposed the grant of further time to the respondents but the said opposition was rejected.

We have heard the learned counsels. Learned counsel for the respondents points out that after the enquiry report was prepared wherein he was exonerated, the disciplinary authority has considered it necessary to send the video tape-which implicated the petitioner of conduct and unbecoming of a government servant, for examination to the CFSL and the report has been received. Thereafter, the matter has been placed before the UPSC which has rendered its advice with regard to the compliance of Rule 14 and 18 of the CCS CCA Rules.

Learned counsel submits that the respondents would take appropriate steps and meet the deadline of 23.9.2019 fixed before the Tribunal. We, accordingly, dispose of this petition with the direction to the respondents to file their affidavit in terms of the impugned order well before 23.9.2019, so that the proceedings in the contempt petition are not delayed any further.

The petition stands disposed of accordingly.

VIPIN SANGHI, J

ANUP JAIRAM BHAMBHANI, J

AUGUST 09, 2019

ib/jitender