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

+ W.P.(C) 2920/2018 & C.M.No.11786/2018

UNION OF INDIA AND ORS. Petitioners

Through: Mr.Rajesh Katyal, Adv.

Versus

SHRI HOMI RAJVANSH Respondent

Through: Mr.S.K.Gupta, Adv. with Mr.Vikram
Singh Rath, Adv.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

20.03.2019

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1. We have gone through the impugned order dated 13th October, 2017 passed by the learned Principal Bench, Central Administrative Tribunal (for short 'the Tribunal') and we find that now during the pendency of the matter, the employee concerned, that is, the respondent herein has been reinstated, the suspension order has been revoked and he has been taken back in service.

2. Once the suspension has been revoked and the employer/the Appellant herein is granted liberty to proceed under the provisions of Fundamental Rule 54-B after departmental proceedings and criminal proceedings are concluded, nothing further remains for consideration before us in these proceedings. Now it is for the department to expedite conducting of the departmental proceedings and the prosecuting authority to conclude trial and thereafter proceed in the matter depending upon their outcome, accordingly, for the present nothing further survives for adjudication before us in this petition.

3. Learned counsel for the petitioner emphasises that there are certain observations made by the learned Tribunal in the impugned order which will come in the way of the departmental authorities and prosecuting authorities while conducting the proceedings.

4. We do not find any such observations which will come in the way of departmental authorities and the prosecuting authorities in proceeding with the trial. The observation made is only to the effect to evaluate as to whether the prolonged suspension of the employee which has continued for more than seven and a half years and similarly the criminal case has also dragged on for a long period of time is justified or not.

5. Therefore, now no further indulgence into the matter is called for. The petition is accordingly dismissed along with the pending application.

CHIEF JUSTICE

ANUP JAIRAM BHAMBHANI, J

MARCH 20, 2019

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