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

+ W.P.(C) 8050/2018

UNION OF INDIA & ORS Petitioner
Through: Mr. Arun Bhardwaj, Adv.

versus

AVNISH BANSAL Respondent
Through: Mr. Nitin Kumar, proxy counsel for
Mr. M.K. Bhardwaj, Adv.

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI
HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER
29.01.2019

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The petitioner Union of India has preferred the present petition to assail the order dated 27.04.2018 passed by the Central Administrative Tribunal, Principal Bench, New Delhi, (the Tribunal) in O.A. No. 1674/2018 whereby the Tribunal allowed the said Original Application preferred by the respondent and set aside the continuation of suspension of the respondent on the ground that within 90 days of initial period of suspension, the charge sheet was not issued to him even though he was suspended on contemplation of departmental inquiry.

The Tribunal has placed reliance on the judgment of the Supreme Court in *Ajay Kumar Choudhary v. Union of India through its Secretary & Anr.*, AIR 2015 SC 2389. As a matter of fact, the petitioner has already implemented the order passed by the Tribunal and reinstated the respondent.

The issue raised by the petitioner, in the present petition has, therefore, become academic. However, we find that the Tribunal has not considered the decision of this Court in ***Govt. of NCT of Delhi v. Dr. Rishi Anand***, W.P. (C) No. 8134/2017, decided on 13.08.2017, which considers the judgment of the Supreme Court in ***Ajay Kumar*** (supra) in detail.

Consequently, while dismissing the present petition, we make it clear that the order passed by the Tribunal in O.A. No. 1674/2018 shall not be cited as a precedent.

Dismissed.

VIPIN SANGHI, J

YOGESH KHANNA, J

JANUARY 29, 2019
N.Khanna