

#S-12

IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment Delivered On: 22.12.2020

W.P.(C) 10412/2020

SANJAY PRATAP SINGH

..... Petitioner

versus

UNION OF INDIA & ORS.

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Shree Prakash Sinha, Advocate

For the Respondents : Mr. Rajesh Kumar & Ms. Santwana, Advocates

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE TALWANT SINGH

JUDGMENT

SIDDHARTH MRIDUL, J. (OPEN COURT)

CM APPL. 32979/2020 (Exemption) & CM APPL. 32980/2020 (Exemption)

Exemptions granted subject to all just exceptions.

The applications are disposed of accordingly.

W.P.(C) 10412/2020 & CM APPL. 32978/2020 (Stay)

1. The present writ petition under Article 226/227 of the Constitution of India, has been instituted on behalf of Mr. Sanjay Pratap Singh, the petitioner and impugns the Order dated 01.12.2020,

in O.A. No. 1939/2020, tilted as '*Sanjay Pratap Singh vs. Union of India & Ors.*', passed by the learned Central Administrative Tribunal (for short 'CAT'), Principal Bench, New Delhi.

2. It would be profitable to extract the impugned order dated 01.12.2020, for the effective adjudication of the present writ petition.

“Admit. Issue notice. Shri Gyanendra Singh, learned counsel, takes notice on behalf of respondents. We grant four weeks' time to him to file reply.
Post on 06.01.2021.”

3. A plain reading of the above extracted impugned Order clearly reflects that 01.12.2020, was the first hearing in the subject Original Application, instituted on behalf of the petitioner. The learned CAT admitted the Original Application and issued notice thereof, to the official respondents requiring the latter to file reply and thereafter, listed the Original Application for further proceedings on the 06.01.2021.

4. Mr. Shree Prakash Sinha, learned counsel appearing on behalf of the petitioner states that, although he made a prayer seeking ad-interim stay of the disciplinary enquiry initiated against him by the official respondents, vide Memorandum dated 12.10.2017, the learned CAT did not consider the same.

5. Mr. Sinha, learned counsel for the petitioner has also invited our attention to the merits of the case to urge that, the learned CAT erred in not

granting an ad-interim stay *qua* the disciplinary proceedings, pending against him.

6. Having perused the impugned Order dated 01.12.2020 and the material on record, we are of the view that the impugned Order passed by the learned CAT does not warrant any interference at this stage, since the merits of the matter are yet to be considered by the learned CAT. It is always open to the petitioner to press his application seeking interim relief before the learned CAT, when the matter is taken up for hearing on the 06.01.2021, the returnable date.

7. In view of the foregoing, the present writ petition does not warrant any interference, at this stage and the same is accordingly dismissed. The pending application also stands disposed of.

8. A copy of this Judgment be provided to learned counsel appearing on behalf of the parties electronically and also be uploaded on the website of this Court, forthwith.

SIDDHARTH MRIDUL
(JUDGE)

TALWANT SINGH
(JUDGE)

DECEMBER 22, 2020/rs [Click here to check corrigendum, if any](#)