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

+ LPA 129/2020

PRASHANT KUMAR SINHA Appellant

Through: Mr. Arvind Kr. Sharma, Adv.

versus

UNION OF INDIA & ORS Respondents

Through: Mr. Ravi Prakash, CGSC, Mr. Amit Kumar Dogra and Mr. Aman Malik, Advs.

Mr. Mridul Jain and Mr. Ashish Chaudhary, Advs. for CBI.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

06.03.2020

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C.M. No. 9211/2020

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

LPA 129/2020 & C.M. No. 9210/2020

The appellant has preferred the present Letters Patent Appeal to assail the order dated 19.02.2020, passed by the learned Single Judge in W.P. (C.) No. 1910/2020. The learned Single Judge has dismissed the petition with liberty to the petitioner to take such recourse, as may be available to the petitioner. The petitioner preferred the writ petition, inter alia, to seek the quashing of the order dated 15.11.2019 – extending the suspension of the petitioner, pending investigation of the FIR under Section 13(2) read with

Section 13(1)(e) of the Prevention of Corruption Act, registered against the petitioner.

The petitioner also sought a direction to respondent No. 3 i.e., the CBI to complete the proceedings/enquiries/investigation in the said case. He also sought a direction to respondent No. 3 to de-freeze his bank accounts and other financial instruments.

The respondents raised a preliminary objection with regard to the maintenance of the writ petition on the ground that the petitioner being an Indian Revenue Services Officer, he was bound to invoke the jurisdiction of the Central Administrative Tribunal. That submission of the respondent was accepted by the learned Single Judge, and, in our view, rightly so.

The petitioner does not dispute the fact that in relation to his service disputes, he is entitled to approach the CAT. Therefore, the first relief sought by him in the writ petition squarely falls within the jurisdiction of the CAT. So far as the second and the third reliefs are concerned, it is for the petitioner to examine whether he wishes to pursue them before the Tribunal, or by filing a separate criminal writ petition. Certainly, the civil writ petition preferred by him, could not be maintained. The learned single judge has preserved the right of the petitioner to take appropriate measures.

In these circumstances, we are not inclined to interfere with the impugned order.

Dismissed.

VIPIN SANGHI, J

SANJEEV NARULA, J

MARCH 06, 2020

N.Khanna