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

+ **W.P.(C) 6184/2020 and CM APPL. 22136-37/2020**

PRAMOD KUMAR TIWARI

..... Petitioner

Through: Mr.Mohit Mathur, Sr.Advocate with
Mr.Dhananjay Kumar Singh,
Mr.Samarendra Kumar, Mr.Akhilesh Kumar
and Mr.Avinash Kumar, Advocates with the
petitioner.

versus

RAJNISH WADHERA & ORS.

..... Respondents

Through: Mr.Sanjeev Bhandari, Advocate for R-1

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **09.09.2020**

HEARD THROUGH VIDEO CONFERENCING

1. The present petition has been filed by the petitioner praying *inter alia* for quashing/setting aside the orders dated 29.06.2020, 19.08.2020 and 24.08.2020, passed by the learned Chairperson, DRAT.
2. Vide order dated 29.06.2020, the learned DRAT has opined that this is a fit case where an inquiry should have been conducted either by the Registrar of the DRT or the Presiding Officer, which has not been done and further, that this case justifies initiation of a preliminary inquiry, as contemplated under Section 340 Cr.P.C., which ought to be done by the Presiding Officer of the DRT. Noting that the Presiding Officer of the

DRT-I had failed to discharge his duty to the DRAT, the learned Chairperson, DRAT has entrusted the preliminary enquiry in terms of Section 340 Cr.P.C., to the learned Presiding Officer of DRT-III, who is holding the additional charge of DRT-I since its Presiding Officer has already demitted office. The learned Presiding Officer was directed to submit a preliminary report to the DRAT.

3. On 19.08.2020, recording that the report of the preliminary inquiry has been forwarded by the Presiding Officer, the matter was adjourned to 24.08.2020. On 24.08.2020, the learned DRAT was of the view that it would be appropriate if a complaint is made to the competent court of criminal jurisdiction to try the offence under Sections 466/34/120-B IPC with further directions that once the complaint is drafted, the matter should be listed before the Tribunal on 21.09.2020, for passing further orders regarding the appearance of the officers found involved in the tampering of judicial record, before the learned CMM.

4. Accordingly, the learned DRAT directed that notices for the date fixed should go to the petitioner herein and Mr.S.K. Dubey for their personal appearance in the matter. The request made by Mr. Bhandari, learned counsel appearing for the respondent No.1 for a copy of the inquiry report was directed to be considered on the date fixed.

5. After addressing arguments for sometime, Mr.Mohit Mathur, learned Senior Advocate states on instructions from his briefing counsel and the petitioner, who is present in the hearing that he may be permitted to withdraw the present petition while reserving the right of the petitioner to take all the pleas, as may be available to him before the learned DRAT. Learned Senior Advocate further states that it may be directed that in the

event any disciplinary proceedings are proposed to be initiated against the petitioner, then he be given an opportunity to submit a reply to the notice to show cause/Memorandum that may be issued.

6. In view of the submission made hereinabove, the present petition is disposed of as not pressed while granting liberty to the petitioner to take all the pleas that may be available to him, both in law and on facts, on the next date of hearing fixed before the DRAT, i.e. 21.09.2020. Further, in the event the Competent Authority decides to initiate departmental inquiry against the petitioner, then he would be afforded an opportunity of replying to the notice to show cause/Memorandum before further proceedings are taken in the matter.

7. The petition is disposed of along with pending applications.

HIMA KOHLI, J.

SUBRAMONIUM PRASAD, J.

SEPTEMBER 9, 2020

mamta/rkb