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

+ W.P.(C) 334/2020

GOVT. OF NCT OF DELHI AND ORS.

..... Petitioners

Through Ms.Laltika Choudhury, Advocate

versus

SH. SANJAY KUMAR TYAGI

..... Respondent

Through None.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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13.01.2020

CM APPL. 973/2020 (exemption)

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. Challenge in this writ petition is to the orders dated 31.05.2016 and 14.09.2018 passed by Central Administrative Tribunal ('Tribunal') by which an M.A. filed for vacation of the stay granted on 31.05.2016 has been rejected. Order dated 31.05.2016 reads as under :

***"CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORDER SHEET***

COURT NO. : 2

No. of Adjournment : 24

31/05/2016

O.A./1928/2016

SANJAY KUMAR TYAGEI

-V/S-

GOVT. OF NCTD

ITEM NO:11

FOR APPLICANTS(S) Adv. : Mr. Saurabh Chadda
FOR RESPONDENTS(S) Adv.:

Notes of The Registry	Order of The Tribunal
	<i>Learned counsel, inter alia contended that although the applicant has already undergone the penalty imposed on him by the Disciplinary Authority, but still, the Appellate Authority has ordered a de novo inquiry proceedings at this belated stage, which, according to him amounts to Double jeopardy and is contrary to law.</i> <i>Heard.</i> <i>Issue notice to the respondents returnable for 10.06.2016.</i> <i>Meanwhile, the operation of the impugned order dated 09.03.2016 (Annexure A/I) of Appellate Authority is hereby stayed.</i> <i>Order <u>Dasti</u>.</i> <i>(V.N. GAUR) (JUSTICE M.S.SULLAR)</i> <i>MEMBER (A) MEMBER (J)</i>

4. Order of 14.09.2018 reads as under :

**“CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORDER SHEET**

COURT NO. : 3 No. of Adjournment : 1
14/09/2018
M.A./3850/2018
O.A./1928/2016

SANJAY KUMAR TYAGEI
-V/S-
GOVT. OF NCTD

ITEM NO:70
FOR APPLICANTS(S) Adv. : None

FOR RESPONDENTS(S) Adv.: Ms. Esha Mazumdar

<i>Notes of The Registry</i>	<i>Order of The Tribunal</i>
	<u>MA 3580/2018</u> <i>This MA has been filed for vacation of stay while the main matter is already listed on 19.09.2018. This application, accordingly, is dismissed.</i> (S N TERDAL) (NITA CHOWDHURY) MEMBER (J) MEMBER (A)

5. There is no plausible explanation as to why the present writ petition has been filed after a gap of more than one year. In case there was any urgency, the petitioner should have been vigilant and should have assailed the order at the earliest point of time. An averment has been made in this writ petition that after the application was dismissed on 14.09.2018, till date the matter has not been taken up for final hearing by the Tribunal. We find no explanation as to why an application for early hearing was not filed before the Tribunal explaining the hardship, if any, faced by the petitioner herein.
6. We find the petition to be a gross-abuse of process of this court. Accordingly, the petition is dismissed.

G.S.SISTANI, J

ANUP JAIRAM BHAMBHANI, J

JANUARY 13, 2020/ck /

W.P.(C) 334/2020

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