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

+ **W.P.(C) 2281/2021 & CM APPL. 6620/2021**

AJAY SAXENA

..... Petitioner

Through **Mr.Tushar Ranjan Mohanty,**
Advocate.

versus

UNION OF INDIA

..... Respondent

Through **Mr.Vishal Bakshi, Advocate for UOI.**

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Date of Decision: 19th May, 2021

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MR. JUSTICE NAVIN CHAWLA

J U D G M E N T

MANMOHAN, J (Oral):

1. The petition has been heard by way of video conferencing.
2. Present writ petition has been filed challenging the order dated 20th January, 2021 passed by the Central Administrative Tribunal (hereinafter referred to as the 'CAT') in O.A.No.130/2021.
3. Petitioner also prays for a direction to the respondent to dispose of the petitioner's representation dated 26th October, 2020 wherein he is claiming that as to why he cannot be extended the same benefits that had been extended to petitioner's three other colleagues in accordance with the order dated 13th January, 2020 passed by a Division Bench of this Court in W.P.(C) Nos.48/2020, 51/2020 and 58/2020. The said order dated 13th

January, 2020 is reproduced hereinbelow:-

“All three petitioners were issued orders of transfer from Agra to Jamnagar. However, they did not join the place of transfer. Resultantly, charge memos were issued. Now a departmental inquiry is under-way.

During the course of hearing, it transpires that the petitioners are taking the stand that they had no intention of flouting the transfer orders; however, for various personal reasons including illness, they could not join the place of transfer; and that now they have tendered an apology and have also joined the place of transfer. It is thus prayed that the respondents may take a lenient view in the matters; accept the apology tendered by the petitioners; and drop the inquiry proceedings.

In this backdrop, we are of the view that no purpose would be served in conducting the inquiry proceedings as that would lead only to wasting time and effort.

In the circumstances, we hope that the respondent would reciprocate in the same conciliatory manner as the petitioners, who would tender an unconditional apology to the respondent today itself.

The Inquiry Officer will thereupon forward the apology to the Disciplinary Authority, who will take a lenient view in the matters.

Re-list on 28.01.2020.

We make it clear that the course of action as above will not be treated as a precedent.

Dasti.”

4. Learned counsel for the petitioner states that the CAT dismissed the petitioner's OA *in limine* ignoring the fact that the order dated 01st January, 2021 passed by the respondent deciding petitioner's representation dated 26th October, 2020 is an administrative decision and therefore, the same needed to be a reasoned and speaking order. He emphasizes that CAT failed to appreciate that the petitioner cannot be treated differently from his three other colleagues who had been granted relief by this Court vide order dated 13th January, 2020.

5. The issue in the present case is non-joining of the post by the four officers including the petitioner (who is a senior Statistical Officer in the

Ministry of Statistic and Programme Implementation) when they were issued transfer orders. The three colleagues of the petitioner tendered an unconditional apology and joined the place of posting, which is why the respondent-authority accepted their apologies and dropped the disciplinary proceedings in accordance with the order dated 13th January, 2020 passed by this Court.

6. Admittedly, the petitioner has now joined his place of posting. During the course of present proceedings, learned counsel for the petitioner, on instructions of the petitioner, has tendered his unqualified and unconditional apology for not immediately joining his new posting. He further states that the petitioner shall voluntarily deposit a sum of Rs.21,000/- with AIIMS Poor Fund Account No.10874588424 with SBI, Ansari Road, New Delhi (IFSC Code SBIN0001536) within two weeks. The statement/undertaking given by learned counsel for the petitioner is accepted by this Court and the petitioner is held bound by the same.

7. Keeping in view the aforesaid as well as the order dated 13th January, 2020 passed in W.P.(C) Nos.48/2020, 51/2020 and 58/2020, we are of the view that no useful purpose would be served in carrying on with the inquiry proceedings, as the same would only lead to waste of time and effort.

8. Consequently, we direct Inquiry Officer and the Disciplinary Authority to accept the apology of the petitioner and close the inquiry proceedings. We make it clear that the course of action as above will not be treated as a precedent.

9. With the aforesaid directions, the present writ petition along with pending application stands disposed of.

10. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through e-mail.

MANMOHAN, J

NAVIN CHAWLA, J

MAY 19, 2021
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