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

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Decided on: 29.09.2021

+ **W.P.(C) 2636/2021 & CM APPL. 7797/2021 & 34041/2021**

DR. D.S. SHANKAR

..... Petitioner

Through: Mr. M.K. Bhardwaj with Mr. Ridam
Arora, Advs.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Ms. Archana Gaur, Sr. Panel Counsel
with Mr. Ridhima Gaur, Adv. for
UOI.

Mr. Manish Kumar Saran, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE TALWANT SINGH

RAJIV SHAKDHER , J. (ORAL)

[Court hearing convened *via* video-conferencing on account of COVID-19]

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1. This writ petition is directed against the order dated 24.08.2020, passed by the Central Administrative Tribunal (in short “the tribunal”) in O.A. No.2051/2019.

2. Mr. M.K Bhardwaj, who appears for the petitioner, says that, the order concerning removal from service, dated 27.11.2018, was passed by an authority, which lacked the jurisdiction to pass such an order.

3. Mr. Manish Kumar Saran, who appears on advance notice on behalf of respondent nos.3 to 10, which, in effect, comprises the National Council of Educational Research and Training (NCERT) and its officers, says that,

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the Director (NCERT) was the appointing authority as well as the disciplinary authority.

3.1 For this purpose, Mr. Saran relies on the notifications, dated 24.10.1986 and 29.07.1994, appended on page 460 and 461 of the case file.

4. On being queried, Mr. Bhardwaj fairly concedes that, the issue articulated before us [as referred to hereinabove], was not raised before the tribunal.

4.1. Mr. Bhardwaj, however, says that, the relevant facts came to the knowledge of the petitioner only, after the impugned order dated 24.08.2020 was passed.

5. Given the aforesaid position, Mr. Bhardwaj says that, he would want to withdraw the writ petition, and approach the tribunal, to seek review of the impugned order of the Tribunal.

6. Accordingly, the above-captioned writ petition is dismissed as withdrawn.

6.1. In case, the petitioner approaches the tribunal for review of the order dated 24.08.2020, the same will be decided by the tribunal, as per law.

6.2. Consequently, pending applications shall also stand closed.

7. The case papers shall stand consigned to the record.

RAJIV SHAKDHER, J

TALWANT SINGH, J

SEPTEMBER 29, 2021/rb

Click here to check corrigendum, if any

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