

\$~1 (2021)

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

% Date of decision: 29.10.2021

+ **W.P.(C) 9312/2021**

ADARSHVIR SINGH

.....Petitioner

Through: Mr. A.K Behera Sr. Advocate with
M.K Gaur, Mr. U Srivastava and Mr.
Saurabh, Advocates

versus

UNION OF INDIA AND OTHERS

.....Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE TALWANT SINGH

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

RAJIV SHAKDHER, J. (ORAL):

1. On 04.10.2021, we had heard the matter, when Mr. U. Srivastava, represented the petitioner. The contours of the matter were etched out in the said order. For the sake of convenience, the same is extracted hereunder:-

"1. This writ petition is directed against the order dated 24.02.2021, passed by the Central Administrative Tribunal (in short 'the tribunal') in O.A. No.57/2018.

2. The short point, which arose for consideration before the tribunal, was that, whether the punishment imposed on the petitioner was justified.

2.1. It is not in dispute that, the petitioner enrolled himself in the one year Masters in Business Administration (MBA) programme in Oxford University, England, without leave being sanctioned, and without a No Objection Certificate (NOC) being issued by the concerned authority.

2.2. The record shows that, a charge sheet was submitted, and an enquiry was conducted. Since the disciplinary authority had some concerns as to the manner in which the enquiry was conducted, hence, vide order dated 18.03.2016, the disciplinary authority remitted the matter to the enquiry officer to conduct the

enquiry, as per Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 (in short '1965 Rules').

2.3. It is, thereafter, that, the disciplinary authority, based on the enquiry report, accorded punishment to the petitioner. The disciplinary authority passed the order, in that behalf, on 20.07.2017. The punishment imposed on the petitioner was: reduction in pay by two stages for three years, without cumulative effect.

3. Mr. U. Srivastava, who appears on behalf of the petitioner, says that, the order dated 18.03.2016, issued by the disciplinary authority, was illegal, inasmuch as the disciplinary authority could not have remitted the matter to the enquiry officer.

3.1 According to Mr. Srivastava, in terms of Rule 15 of the 1965 Rules, the disciplinary authority could have only issued a disagreement note.

4. Prima facie, to our minds, the petitioner, who was a Scientist 'C' officer, employed with Defence Research & Development Organisation (DRDO), could not have joined the aforementioned programme, without sanction of leave and/or without issuance of NOC. This was a serious breach committed by the petitioner, and in our view, he was rather let off, lightly.

5. At this stage, Mr. Srivastava says that, he will obtain instructions from the petitioner as to, whether or not he wishes to press the instant writ petition.

6. Accordingly, list the matter on 11.10.2021”.

2. Mr. A.K. Behera, learned senior counsel, who appears on behalf of petitioner, says that, having regard to what we have observed, he would not like to press the above-captioned writ petition any further.

2.1. However, the petitioner would want the liberty to make a representation to the respondents, for reviewing the punishment imposed by the disciplinary authority, and regularising the study leave period.

3. Accordingly, the above-captioned petition is dismissed as withdrawn, with liberty as prayer for.

3.1. If a representation is made, the concerned authority will consider the same, as per the extant rules and regulations.

4. The fact that we have granted liberty to the petitioner will not be treated as an indication, one way or the other, of our view in the matter.
5. The case papers shall stand consigned to record.

RAJIV SHAKDHER, J

TALWANT SINGH, J

OCTOBER 29, 2021/nk

Click here to check corrigendum, if any

