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

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Date of decision: 29.11.2022

+ W.P.(C) 16366/2022 & CM APPLN. 51339/2022

BRIJ BHUSHAN

..... Petitioner

Through: Mr. Bijender Singh, Ms. Vineeta
Sharma & Mr. Rakesh Kumar Gogia,
Advocates

Versus

UNION OF INDIA, THROUGH
THE SECRETARY & ANR.

..... Respondents

Through: Mr. Jatin Singh, CGSC

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

1. The present petition has been preferred by the petitioner seeking a direction to the respondents to pass a final order in the inquiry initiated against him.
2. The petitioner claims to have been appointed as a Sub-Inspector/Executive in the Central Industrial Security Forces (CISF) on 16.09.1999; appointed/promoted as an Assistant Commandant through Limited Departmental Competitive Examination on 24.07.2008; again promoted to the rank of Deputy Commandant on 03.04.2014 and holding the post of Commandant/ Local Rank on 10.02.2017.
3. The petitioner was served with a Charge Memorandum No.400 dated 11.09.2020 under Rule 14 of CCS(CCA) Rules, 1965 and a departmental enquiry was conducted. The grievance of petitioner is that despite he has

been an honest and diligent employee, he has been made to face baseless disciplinary action by the respondents with the *mala fide* intention to harass him. It has been averred by the petitioner that he was served with the charge sheet on 11.09.2020; enquiry report was submitted by the enquiry officer on 30.10.2021 and copy thereof was served upon him on 30.03.2022.

4. During the course of hearing, learned counsel appearing on behalf of petitioner has submitted that the petitioner submitted his defence against the inquiry report on 26.04.2022. However, in violation of guidelines issued by the Department of Personnel and Training, vide Office Memorandum No. 372/3/2007/AVD-III(VOL10) dated 14.10.2013, wherein it has been recommended that the final order by the concerned disciplinary authority is to be passed within 18 months, the respondents are yet to pass an order in the enquiry conducted against the petitioner.

5. Notice issued.

6. Mr. Jatin Singh, learned CGSC, appearing on behalf of respondents, accepts notice and submits that the concerned authority shall take decision on petitioner's enquiry within two weeks from today.

7. In view of aforesaid submission on behalf of learned CGSC appearing on behalf of respondent, the present petition and pending application are accordingly disposed of.

(SURESH KUMAR KAIT)
JUDGE

(NEENA BANSAL KRISHNA)
JUDGE

NOVEMBER 29, 2022/r

W.P.(C) 16366/2022

Page 2 of 2