

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

% *Date of Decision: May 09, 2023*

+ **W.P.(C) 5965/2023**

SHANKAR LAL

..... Petitioner

Through: Mr. Gaurav Kakar and Mr. Harsh
Jaiswal, Advocates.

versus

THE COMMISSIONER OF POLICE & ORS. Respondents

Through: Mrs. Avnish Ahlawat, SC (DP
Services) with Ms. Tania Ahlawat,
Mr. Nitesh Kumar Singh, Ms. Palak
Rohmetra, Ms. Laavanya Kaushik and
Ms. Aliza Alam, Advocates with SI
Vedprakash, PCR Unit.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

V. KAMESWAR RAO (Oral)

CM APPL. 23447/2023

1. Exemption allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 5965/2023

3. This petition has been filed by the petitioner challenging order dated February 27, 2019 passed by Central Administrative Tribunal ('Tribunal', in short) in O.A. No. 4544/2014.

4. The challenge before the Tribunal was to the orders passed by the

Disciplinary Authority / Appellate Authority in disciplinary proceedings initiated against the petitioner herein.

5. One of the submissions of learned counsel for the petitioner is that the Tribunal has not given findings on the pleas advanced on behalf of the petitioner in the Original Application. In support of the submission, learned counsel for the petitioner has drawn our attention to the impugned order more specifically paras 3, 4, 5 and 6, wherein, according to him, the Tribunal has only noted the contentions of the petitioner, allegations made against the petitioner, law related to judicial review in the cases of departmental enquiries while arriving at the following conclusion:

“7. In view of the facts and circumstances of the case narrated above and in view of the law laid down by the Hon'ble Apex Court referred to above and in view of the fact that the counsel for the applicant has not brought to our notice violation of any procedural rules, the OA requires to be dismissed.”

6. We agree with the submission made by learned counsel for the petitioner. Even, Mr. Nitesh Kumar Singh, who appears for the respondents does not really contest the submission made by learned counsel for the petitioner.

7. Accordingly, we deem it appropriate to set aside the impugned order passed by the Tribunal and remand the matter back to the Tribunal for fresh consideration in accordance with law. For this purpose, the Original Application is revived on the Board of the Tribunal. The Original Application shall now be listed before the Joint Registrar of the Tribunal for a preliminary hearing on May 29, 2023.

8. Suffice to state, this Court has not expressed itself on the merits of the contentions raised insofar as the challenge to the orders of Disciplinary Authority / Appellate Authority.

9. Petition stands disposed of.

10. At this stage, learned counsel for the petitioner submits appropriate shall be the Original Application is decided along with two other connected Original Applications, as the impugned order in the Original Application arises from joint proceedings held against the petitioner and the petitioners in other two Original Applications.

11. Counsel for the petitioner shall be at liberty to make such a request before the Tribunal for its consideration.

V. KAMESWAR RAO, J.

ANOOP KUMAR MENDIRATTA, J.

MAY 9, 2023/R