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

% *Date of Decision: July 03, 2023*

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\+ **W.P.(C) 8423/2023 & CM APPL. Nos. 32104/2023 & 32106/2023**

B.P. MEENA IRS (RETD) ..... Petitioner

Through: Mr. S. K. Srivastava, Mr. Prince Kumar and Mr. Aashu Pali, Advocates.

versus

UNION OF INDIA AND ORS. ..... Respondents

Through: Mr. Rakesh Kumar, CGSC with Mr. Sunil, Advocate for R-1, 2, 3 & 6.
Ms. Anubha Bhardwaj and Mr. Sachin Singh, Advocates for R-5 / CBI.
Mr. Ravinder Agarwal, Advocate for R-4 / CVC.

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO
HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

V. KAMESWAR RAO (Oral)

CM APPL. Nos. 32102/2023, 32103/2023 & 32105/2023

1. Exemptions allowed, subject to all just exceptions.

2. Applications stand disposed of.

W.P.(C) 8423/2023 & CM APPL. Nos. 32104/2023 & 32106/2023

3. The challenge in this writ petition is to an order dated May 17, 2023 passed by Central Administrative Tribunal ('Tribunal' in short) in O.A.

No.1406/2023, whereby the Tribunal while dismissing the Original Application has in paragraph Nos. 13, 14 and 15 has stated as under:

> *"13.We have taken note of the relied upon judgments by learned counsel for the applicant, the arguments of learned counsel for the respondents* and the *above quoted judgments of Hon'ble Supreme Court. It is evident that no final decision has yet been taken in the disciplinary proceedings against the applicant. In terms of the charge memorandum issued to the applicant, a departmental inquiry has already been concluded and further proceedings are in progress. At this stage, no interference for judicial review is warranted in the present O.A. We are of the view that the action of the respondents in continuing with the disciplinary proceedings does not suffer from any infirmity or illegality. The impugned order dated 18.04.2023 is a reasoned and speaking order and is passed in accordance with law.*
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> *14. It is also observed that in an earlier O.A. No.3314/2022 filed by the applicant before this Tribunal, the main relief sought by him was for quashing and setting aside the impugned charge sheet dated 19.01.2009 and the inquiry report dated 30.06.2022. Both these points have been raised yet again in the present O.A.*
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> *15. In the abovementioned facts and circumstances, we are of view that the disciplinary proceedings do not suffer from any illegality or infirmity and, therefore, no interference is needed at this stage. The O.A. is thus devoid of merit and the same is accordingly dismissed. There shall be no order as to* costs."

4. Mr. Rakesh Kumar, appearing for the respondents, states, the final order in the chargesheet is yet to be passed.

5. If that be so, we do not see any reason to interfere with the order passed by the Tribunal. Suffice to state, liberty is with the petitioner to challenge the order to be passed by the Disciplinary Authority in accordance with law. All the pleas of the petitioner with regard to the conduct of the Disciplinary Proceedings and also with regard to order dated April 18, 2023 are left open.

6. Petition is disposed of. Pending applications also stand disposed of.

V. KAMESWAR RAO, J.

ANOOP KUMAR MENDIRATTA, J.

JULY 03, 2023/*R*