



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

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Date of Decision: July 04, 2023

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+ **W.P.(C) 8822/2023 & CM APPL. 33351/2023 (stay)**

SURESH KUMAR JAGWANI

..... Petitioner

Through: Mr. S. K. Srivastava, Ms. Shubhi Srivastava, Mr. Prince Kumar, Mr. Yogender and Ms. Garima Singh, Advocates.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Ajay Digpaul, CGSC with Ms. Swati Kwatra and Mr. Kamal Digpaul, Advocates for UOI / R-1.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

V. KAMESWAR RAO (Oral)

CM APPL. 33338/2023 & 33339/2023

1. Exemptions allowed, subject to all just exceptions.
2. Applications stand disposed of.

W.P.(C) 8822/2023 & CM APPL. 33351/2023 (stay)

3. The challenge in this writ petition is to an order dated June 13, 2023 passed by Central Administrative Tribunal ('Tribunal', in short) in O.A. No. 1788/2023, whereby the Tribunal has rejected the prayer for interim relief, which appears to be for stay of disciplinary proceedings initiated against the petitioner.

4. We have been informed and also noted from the impugned order that the next date of hearing before the Tribunal is July 20, 2023. The grievance of the petitioner is that the Inquiry Officer, who is conducting the enquiry,



need to be replaced by appointing a new Inquiry Officer. In support of this prayer, our attention has been drawn to the representation dated October 14, 2021 submitted by the petitioner to the Disciplinary Authority which was rejected on April 11, 2023.

5. It appears that the rejection of the representation vide office memorandum dated April 11, 2023 triggered the filing of the Original Application before the Tribunal.

6. Be that as it may since the issue is still pending consideration before the Tribunal and we have been informed that respondents are yet to file reply to the Original Application, appropriate shall be, the respondents file reply to the O.A. within two weeks from today and rejoinder thereto be filed by the petitioner within three days thereafter, so that the Tribunal can hear the counsel for the parties and decide the Original Application.

7. Accordingly, we direct the listing of the matter before the Tribunal on the date fixed, i.e. July 20, 2023 when the Tribunal shall hear the counsel for the parties and decide the Original Application, in accordance with law, as expeditiously as possible within two weeks thereafter. Till the O.A. is decided, within the time stipulated above, the Inquiry Officer shall not hold the disciplinary proceedings.

8. Petition stands disposed of. Pending application, if any, also stands disposed of.

V. KAMESWAR RAO, J.

ANOOP KUMAR MENDIRATTA, J.

JULY 4, 2023/R