

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

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Date of Decision: May 23, 2023

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+ **W.P.(C) 8978/2019**

SH. DURGA DUTT

..... Petitioner

Through: Mr. Amarendra, Advocate with
petitioner-in-person.

versus

**rites ltd. through the chairman
and ors.**

..... Respondents

Through: Mr. Atul Kumar, Advocate.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

V. KAMESWAR RAO (Oral)

1. The challenge in this writ petition is to an order dated February 06, 2019, passed by the Central Administrative Tribunal ('Tribunal', in short) in O.A. 4235/2013, whereby the Tribunal has dismissed the Original Application filed by the petitioner herein. The challenge in the Original Application was to the chargesheet, order of penalty and orders of Disciplinary Authority, Appellate Authority and Reviewing Authority.
2. The chargesheet had culminated in an Inquiry report, wherein the Inquiry Officer has against 6 charges proved 3 charges, against the petitioner. The petitioner had challenged the same on various grounds, including the ground that Inquiry Officer was biased as he was the Officer who had carried out the preliminary enquiry against the petitioner.

3. We find that Tribunal has noted the relevant facts including the chargesheet was issued to the petitioner; the inquiry conducted by the Inquiry Officer who submitted the report and the fact that the Disciplinary Authority has passed a detailed order imposing penalty and the appeal and review petition were dismissed.

4. In substance, the Tribunal held that enquiry proceedings have been conducted in accordance with the principles of natural justice. The Tribunal has also noted some of the judgments of the Supreme Court in matters related to disciplinary proceedings while dismissing the petition. The Tribunal has in paragraph 6 held as under:

“6. In view of the facts of the case narrated above and in view of the law laid down by 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 or principles of natural justice, the OA is devoid of merit.”

5. Suffice to state, order of the Tribunal is bereft of any reasoning, in so far, as the plea with regard to the fact that Inquiry Officer was biased. The finding of the Tribunal was *“the Inquiry Officer indeed held some of the charges as not proved, some of the charges partly proved and some of the charges proved purely on the basis of the evidence available on record”*.

6. Meaningfully read, the Tribunal held that Inquiry Officer was not biased. Except the finding on that ground, no other ground has been dealt with by the Tribunal.

7. This Court accordingly set aside the impugned order dated February 06, 2019, and revive the Original Application being O.A. 4235/2013 on the Board of the Tribunal with a direction that Tribunal shall hear the parties

afresh on all the grounds taken by the petitioner in the O.A. and pass a reasoned and a speaking order.

8. Accordingly, the writ petition is disposed of.

9. Counsel for the parties are granted liberty to file an application for the revival of the Original Application on the strength of this order. No order as to costs.

V. KAMESWAR RAO, J.

ANOOP KUMAR MENDIRATTA, J.

MAY 23, 2023/R

