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

% ***Date of decision: February 8, 2023***

+ **W.P.(C) 12390/2019**

PAWAN KUMAR

..... Petitioner

Through: **Mr. Amit Chawla, Advocate**

versus

UNION OF INDIA & ORS

..... Respondents

Through: **Mr. Jivesh Tiwari, Sr. Panel Counsel
with Ms. Samiksha, Advocate and
Insp. A.R. Lone & Const. Milan
Singh for UOI**

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. Vide the present writ petition, petitioner is seeking a direction to the respondents to produce the original records of the case before this Court.
2. Petitioner is further seeking quashing and setting aside of impugned orders dated 15.02.2019 enhancing the penalty, the original penalty order dated 10.11.2017 and the charge-sheet dated 15.11.2016.
3. Petitioner is also seeking a direction to the respondents to restore the petitioner back in the position and to a stage at which he would have been if the impugned orders were never passed, along with all consequential benefits to the petitioner.
4. Learned Senior Panel Counsel for respondents has informed this

Court that vide order dated 27.02.2020, petitioner has been removed from the service.

5. Being aggrieved, petitioner filed an appeal which was dismissed vide order dated 11.04.2020. Thereafter, petitioner preferred a revision petition which was also dismissed vide order dated 27.01.2022.

6. Learned counsel for petitioner has informed this Court that after passing of order in revision petition, petitioner approached the National Commission for Scheduled Casts where the competent authority was present on 04.11.2022 and the competent authority suggested the petitioner to file a mercy petition before the respondents. Accordingly, petitioner filed a mercy petition dated 26.01.2023 before the respondents, however, the same has not been decided till date.

7. Before commenting on the merits of the case, we hereby direct the respondents to decide the mercy petition filed by the petitioner within four weeks from today and communicate its decision thereof, with a reasoned order to petitioner within one week thereafter.

8. Needless to say, if the petitioner is aggrieved by the decision on mercy petition, he may approach before appropriate forum.

9. With the aforesaid directions, the present petition is disposed of.

(SURESH KUMAR KAIT)
JUDGE

(NEENA BANSAL KRISHNA)
JUDGE

FEBRUARY 8, 2023/rk

W.P.(C) 12390/2019

Page 2 of 2