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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 1007/2024 & CM APPL. 4209/2024 -Addl. doc.

COMMISSIONER OF POLICE AND ANR Petitioner

Through: Ms. Avnish Ahlawat, SC, GNCTD,
Services, with Mr. Nitesh Kumar Singh, Ms.
Laavanya Kaushik, Ms. Aliza Alam, Mr. Mohnish
Sehrawat, Advs.

versus

YASHVANT SINGH Respondent

Through: Mr. Anil Singal, Adv.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

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23.01.2024

CM APPL. 4208/2024 -Ex.

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

CAV 33/2024

3. Since learned counsel for the respondent enters appearance, the caveat stands discharged.

W.P.(C) 1007/2024 CM APPL. 4207/2024 -Stay.

4. The present writ petition under Articles 226 and 227 of the Constitution of India seeks to assail the order dated 25.01.2023 passed by the learned Central Administrative Tribunal in O.A. No. 2248/2022. Vide the impugned order, the learned Tribunal has allowed the O.A. preferred by the respondent with directions to the petitioner to reinstate the respondent in service as a Constable (Exe.) and grant him all notional consequential benefits w.e.f. the date he was terminated from service.



5. Learned counsel for the respondent who appears on advance notice, at the very outset, submits that the impugned order already stands implemented by the petitioner way back in February 2023 and that too without reserving any liberty. He, therefore, prays that the writ petition be dismissed.
6. When faced with this situation, learned counsel for the petitioner submits that the writ petition has been filed as some fresh additional information by way of a report from the Police Authorities has been received by the petitioner from which it becomes evident that the respondent had concealed material information from the petitioner. In our considered view, this cannot be a ground to challenge the Tribunal's order which already stands implemented. However, if any fresh information has been received by the petitioner, it will be always open for the petitioner to issue a fresh show-cause notice to the respondent and take appropriate action thereafter in accordance with law after considering his response thereto.
7. The petition, alongwith all pending applications, is accordingly, dismissed by making it clear that in case the petitioner has any additional information, it will be open for the petitioner to issue a fresh show-cause notice to the respondent and then take appropriate action against him as per law.

REKHA PALLI, J

RAJNISH BHATNAGAR, J

JANUARY 23, 2024

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