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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 2717/2024**
SHRIDHAR

..... Petitioner

Through: Mr. Tushar Sharma, Advocate.

versus

MUNICIPAL CORPORATION OF DELHI & ORS.

..... Respondents

Through: Mr. Anuj Chaturvedi, Advocate
(through video conferencing).

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

23.02.2024

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CM APPL. 11083-85/2024

1. Exemption allowed, subject to all just exceptions.
2. The applications stand disposed of.

W.P.(C) 2717/2024 & CM APPL. 11082/2024 (Stay)

3. The present writ petition under Articles 226 and 227 of the Constitution of India seeks to assail the two orders passed by the learned Central Administrative Tribunal; first being the order dated 15.12.2022 passed in O. A. 3689/2022 and the second being order dated 16.08.2023 passed in O. A. 3431/2019 .
4. Having perused the record, we are of the considered view that a writ petition of such a nature combining two altogether un-connected matters was not maintainable. However, taking into account that the petition was filed in person, learned counsel for the petitioner prays



that the challenge in the present petition may be treated as confined to the order dated 15.12.2022 passed in O. A. 3689/2022 by granting liberty to the petitioner to assail the order dated 16.08.2023 passed in O.A. 3431/2019 by way of a separate writ petition, we are proceeding to deal with order dated 15.12.2022 passed in O. A. 3689/2022.

5. From a perusal of the order dated 15.12.2022, we find that the said order merely directs the respondents to consider the petitioner's representation dated 14.11.2022 and pass a reasoned and speaking order thereon. We are informed that a speaking order deciding the petitioner's representation has already been passed on 05.02.2024. If that be so, a challenge to the impugned order dated 15.12.2022 at this belated stage has been rendered infructuous. The writ petition is, therefore, dismissed on this ground alone. The petitioner is, however, granted liberty to challenge the order dated 05.02.2024 in accordance with law. It is also made clear that while challenging the order dated 05.02.2024 as per the law, the petitioner would be entitled to raise all the permissible grounds including the plea that the enquiry report itself was vitiated, which grounds will be considered by the learned Tribunal on its own merits.

6. The writ petition along with pending application is disposed of in the aforesaid terms.

7. At this stage, learned counsel for the petitioner submits that he has not been supplied with a copy of the penalty order. Learned counsel for the respondent undertakes to supply a copy of the penalty



order to the learned counsel for the petitioner during the course of the day.

REKHA PALLI, J

RAJNISH BHATNAGAR, J

FEBRUARY 23, 2024

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