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IN THE HIGH COURT OF DELHI AT NEW DELHI
W.P.(C) 3404/2024 AND CM APPL. 13915-16/2024 & CM APPL.
13995/2024

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SAMEER DNYANDEV WANKHEDE

..... Petitioner

Through: Mr. Viraj Dass, Sr. Advocate with
Mr. Atul and Mr. Shadab Anwar,
Advocates.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Kritiman Singh, CGSC with Mr.
Varun Rajawat, Mr. Varun Pratap
Singh, Ms. Vidhi Jain, Mr. Kartik
Baijal and Mr. Shreya V. Mehra,
Advocates for R-1 to 4.
Mr. Ravi Prakash, CGSC with Ms.
Astu Khandelwal and Mr. Yasharth
Shukla, Advocates for R-5.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

12.03.2024

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1. The present writ petition under Articles 226 and 227 of the Constitution of India seeks to assail the order dated 21.08.2023 passed by the learned Central Administrative Tribunal in O.A. No. 3722/2022 insofar as it does not quash the findings of the Special Enquiry Team (SET) which enquiry was held under the chairmanship of the respondent no. 4.

2. After some arguments, learned senior counsel for the petitioner, on instructions from the petitioner, submits that instead of pressing the present petition, the petitioner would be satisfied if this Court



were to clarify that the findings of the SET will not be used against the petitioner in the departmental enquiry proposed to be held against him.

3. Learned counsel for the respondents can have no objection to this limited request as it is trite law that the findings of a preliminary enquiry cannot be used for indicting an employee in a departmental enquiry. Furthermore, we find that the learned Tribunal has already clarified this aspect in para 9 of its order dated 21.08.2023 which reads as under:-

“9. Respondent No. 4, in our opinion, being actively involved in the investigation could not have been the part of SET, which was constituted to hold an enquiry for the alleged procedural lapses on the part of officials during the seizure and follow up action in connection with the aforesaid crime. However, taking note of the arguments of the respondents that impugned SET report is preliminary in nature and the respondent Nos. 1 or 5 have to take independent decision regarding the action to be taken against the applicant, we are of the opinion that the interest of justice would be subserved by directing the respondent Nos. 1 or 5 to grant personal hearing to the applicant before initiating any action against him on the basis of the impugned SET report and the decision so taken shall be communicated to him by passing a reasoned and speaking order”.

4. In the light of the aforesaid, the writ petition along with all accompanying applications is disposed of as not pressed by clarifying that the evidence recorded in the SET will not be relied upon in the departmental enquiry which may be held against the petitioner as per law.

REKHA PALLI, J

SHALINDER KAUR, J

MARCH 12, 2024/_p