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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 5595/2023

RAKESH MALRA

..... Petitioner

Through: Mr.Janak Raj Rana & Mr.Vinod
Patidar, Advs.

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr.Ripu Daman Bhardwaj, CGSC
with Mr.Kushagra Kumar, Mr.Abhinav Bhardwaj
& Ms.Angelin Tigga, Advs

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

08.05.2024

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1. The present petition under Articles 226 & 227 of the Constitution of India seeks to assail the order dated 19.12.2022 passed by the learned Central Administrative Tribunal (Tribunal) in OA No.2557/2021. Vide the impugned order, the learned Tribunal has rejected the petitioner's challenge to the order dated 12.10.2021; vide which the petitioner's prayer for deputation to the High Commission of India, London was rejected.
2. Learned counsel for the petitioner submits that on account of the petitioner approaching the learned Tribunal for redressal of his grievances, the respondents became vindictive against him and took wholly unwarranted disciplinary action against him.
3. After some arguments, he submits that taking into account that almost three years have passed since the passing of the order dated



12.10.2021 vide which the petitioner's candidature for deputation to the High Commission of India was rejected, the petitioner will, instead of pressing the present petition, file a fresh original application (OA) before the learned Tribunal assailing the disciplinary action taken by the respondent against him. He, therefore, seeks leave to withdraw the present petition with liberty to file a fresh OA to assail the disciplinary action taken against him by the respondents.

4. The petition is, accordingly, dismissed as withdrawn with liberty as prayed for. Taking into account that the present petition had remained pending before this Court for quite some time, we direct that in case, the petitioner files a fresh OA in respect of the disciplinary action taken against him by the respondent within four weeks from today, the learned Tribunal will consider the same on merits and not dismiss the OA on the ground of delay and laches.

REKHA PALLI, J

SAURABH BANERJEE, J

MAY 8, 2024

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