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

+ W.P.(C) 5028/2024 & CM APPL. 20570/2024, CM APPL.
20571/2024, CM APPL. 20572/2024
SATISH CHANDRA Petitioner

Through: Ms. Shruti Shiv Kumar and Mr. Sahil
Sood, Advocates.

versus

GOVT OF NCT OF DELHI OFFICE OF
DM SOUTH & ORS. Respondents

Through: Mr. Naushal Admed Khan with Mr.
Akshit Tyagi, Advocates for R-1.
Mr. Sanjay Kumar Pathak, Standing
Counsel ADM/LAC with Mr. Sunil
Kumar Jha, Mr. M.S. Akhtar,
Advocates for R-6.

CORAM:
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

% **ORDER**
05.04.2024

(The proceeding has been conducted through Hybrid Mode)

1. This is a writ petition under Article 226 of the Constitution of India, 1950, seeking *inter alia* the following reliefs:-

i. Issue an appropriate writ, order to declare the Departmental proceedings commenced in 2014 and subsequent issuance of departmental charge sheet dated 21.12.2016 as illegal and arbitrary.

ii. Issue an appropriate Writ, order or direction, in the nature of certiorari to quash the Impugned Departmental Enquiry Proceedings commenced in 2014 and subsequent

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issuance of a Departmental Charge Sheet/ memorandum of charge dated 21.12.2016 and continued thereafter for more than 10 years, which is in clear violation of the binding precedents of the Hon'ble Supreme Court in Prem Nath Bali (supra) read with the judgement of this Hon'ble Court in Union of India vs. Dr. M.R. Diwan (supra) and in Anish Gupta vs. Union of India (supra).

iii. To restrain the respondents to initiate any further action against the applicant on the basis of the Charge Memo dated 21.12.2016.

2. It has been pointed out by learned counsel for the respondents that the challenge in the writ petition would be maintainable before the learned Central Administrative Tribunal, Principal Bench, New Delhi since the respondents are covered under the Schedule to Section 14 of the Administrative Tribunals Act, 1985.
3. In view of the above, Ms. Shruti Shiv Kumar, learned counsel for petitioner seeks permission to withdraw the present petition to file petition before the learned Tribunal.
4. Let the same be done within one week.
5. Learned Central Administrative Tribunal is requested to take up the petition for hearing on urgent basis in all earnest.
6. In view of the above, the petition is dismissed as withdrawn with liberty so sought granted.
7. Order *Dasti* under the signatures of Court Master.

TUSHAR RAO GEDELA, J

APRIL 5, 2024/ns

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