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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 5421/2019 & CM APPL. 23772/2019 -Stay

UNION OF INDIA

..... Petitioner

Through: Mr. Rajesh Gogna, CGSC with Ms.
Priya Singh, Adv.

versus

PRADEEP KUMAR SIROHI

..... Respondent

Through: Mr. K.C. Mittal, Mrs. Jasvinder Kaur
and Mr. Vaibhav Yadav, Adv.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

23.02.2024

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1. The present petition under Article 226 and 227 of the Constitution of India seeks to assail the order dated 28.08.2018 passed by the learned Central Administrative Tribunal (Tribunal) in Original Application (O.A.) No. 555/2016. Vide the impugned order, the learned Tribunal has allowed the O.A. filed by the respondent while setting aside the penalty order and granting liberty to the Disciplinary Authority to pass a fresh order within a period of three months. The learned Tribunal had further directed that till a fresh order is passed, the respondent will be entitled to receive pension.
2. We are informed that a fresh order in terms of the impugned order has already been passed on 18.02.2020. Having perused the said order, which has been placed on record as annexure A-1 to the rejoinder affidavit, we fail to appreciate as to how the present writ petition



would be maintainable any further. The writ petition is, accordingly, dismissed as having been rendered infructuous by making it clear that if aggrieved, the respondent will be entitled to assail the order dated 18.02.2020 as per law.

3. At this stage, learned counsel for the respondent submits that this order dated 18.02.2020 was in fact challenged by the respondent by way of O.A. No. 997/2020 which was dismissed on account of the pendency of the present petition. If that be so, we grant liberty to the respondent to seek recalling of the order dismissing O.A. No. 997/2020 and direct that if the respondent moves any such application for revival of O.A. No.997/2020 within two weeks from today, the O.A. will stand revived and will be dealt with as per law. We, however, make it clear that we have not expressed any opinion on the rival claims of the parties on merits.

REKHA PALLI, J

RAJNISH BHATNAGAR, J

FEBRUARY 23, 2024

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