



\$~60

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

W.P.(C) 6068/2024

YOGESH KUMAR

..... Petitioner

Through: Mr. Suresh Sharma, Adv.

versus

INTELLIGENCE BUREAU AND OTHERS

..... Respondent

Through: Mr. Sowri Dev, SPC, Mr. Akash
Meena, GP, Ms. Tharani, Adv.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

%

30.04.2024

CM APPL. 25210/2024 -Ex.

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 6068/2024

3. The present writ petition under Articles 226 and 227 of the Constitution of India seeks to assail the order dated 04.05.2023 passed by the learned Central Administrative Tribunal (the Tribunal) in O.A. No. 1169/2018. Vide the impugned order, the learned Tribunal has dismissed the Original Application (O.A.), filed by the petitioner/applicant, by rejecting the sole ground canvassed by the learned counsel for the petitioner, that the charge memo having been issued without taking into account the DoPT's OM dated 22.06.2010, was liable to be set aside.



4. The primary submission of learned counsel for the petitioner before us is, that this observation made by the learned Tribunal, that only one ground was raised by the petitioner is factually incorrect. He submits that various other grounds, other than the one noted in the impugned order, were urged before the learned Tribunal but have not been considered while passing the impugned order.
5. If that be so, we are of the view that the remedy of the petitioner lies elsewhere. At this stage, learned counsel for the petitioner seeks leave to withdraw the present petition and approach the learned Tribunal by way of a review petition.
6. As prayed for, we dismiss the petition with liberty as prayed by making it clear that, in case, the petitioner files a review petition within a period of two weeks from today, the same will be considered by the learned Tribunal on its own merits and not be rejected on the ground of delay.

REKHA PALLI, J

SAURABH BANERJEE, J

APRIL 30, 2024

al