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

+ **W.P.(C) 7433/2024**

UNION OF INDIA MINISTRY OF HOME AFFAIRS

..... Petitioner

Through: Mr.Chetan Sharma, ASG with
Mr.Apoorv Kurup, CGSC with Mr.
Vinay Yadav, Mr. Amit Gupta, Ms.
Gauri Goburdhun, Mr. Vikramaditya
Singh and Mr. G. Narula, Advocates
for UOI

versus

RAJIV RANJAN & ANR.

..... Respondents

Through: none

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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22.05.2024

CM APPL. 30968/2024(exemption)

1. Allowed, subject to just exceptions.
2. The application is disposed of.

W.P.(C) 7433/2024 & CM APPL. 30967/2024- Stay

3. The present petition under Article 226 of the Constitution of India seeks to assail the orders dated 02.06.2023 and 19.03.2024 passed by the learned Central Administrative Tribunal (the Tribunal) in O.A. No.2759/2021. Vide the first impugned order dated 02.06.2023, the learned Tribunal has, by way of an interim measure, restrained the petitioner from



proceeding with the departmental enquiry initiated against the respondent no.1 vide charge memorandum dated 12.03.2020. Vide its second impugned order dated 19.03.2024, the learned Tribunal has directed the petitioner to produce the documents relating to FIR Nos.67/1987 and 418/1991 alongwith the copies of the charge-sheet and the Case Diary pertaining to these two FIRs.

4. The learned ASG, who appears on behalf of the petitioner, submits that the documents being sought by the learned Tribunal are in no way connected with the departmental enquiry initiated against the respondent no.1 as the evidence led in the criminal proceedings cannot be reviewed by the learned Tribunal while examining the challenge to the departmental action against an employee.

5. Even though we are prima facie inclined to agree with the petitioner that the learned Tribunal, while dealing with the challenge to the disciplinary proceedings by an employee, cannot delve into the evidence collected during the criminal proceedings, we are of the view that it would not be appropriate to curtail the right of the learned Tribunal to ask for any record as it deems fit. There is, however, merit in the plea of the learned ASG that in case copies of these documents are taken on record or given to the respondent no.1, it may be against public interest.

6. Even though none appears for the respondent no.1, we are of the considered view that copies of the documents requisitioned by the learned Tribunal ought not to be furnished to the respondent no.1. We, therefore, dispose of the writ petition by directing that though the petitioner shall produce the records as directed for by the learned Tribunal, the same will be done in a sealed cover which may be opened by the learned Tribunal for its



perusal. However, copies of same will neither be taken on record nor provided to the respondent no.1 or his counsel.

7. Further, taking into the account the orders already passed by the learned Tribunal for fixing the matter for final hearing, we direct the learned Tribunal to expeditiously decide the OA, preferably within a period of three months.

REKHA PALLI, J

SAURABH BANERJEE, J

MAY 22, 2024/So