



2024:DHC:8925-DB



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

+ W.P.(C) 14471/2021, CM APPL. 45552/2021, CM APPL. 45554/2021 & CM APPL. 10240/2022

GOVT OF NCT OF DELHI AND ORSPetitioners
Through: Mr. Naushad Ahmed Khan,
ASC with Ms. Supriya Malik and Ms.
Shivani Yadav, Advs.
versus
SANTOSH PAL MEENA AND ANRRespondents
Through:

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

JUDGMENT (ORAL)

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18.11.2024**C.HARI SHANKAR, J**

1. The respondents are absent and unrepresented.
2. We have heard Mr. Naushad Ahmed Khan, learned ASC for the petitioners at some length.
3. Respondent 1 was chargesheeted on 13 December 2016, proposing imposition of major penalty against him. An inquiry officer was appointed. The inquiry report was submitted on 7 September 2018. On 1 September 2021, Respondent 1 was removed from service.
4. Respondent 1 appealed against the said decision on 6 September 2021. While the appeal was pending, Respondent 1



petitioned the Central Administrative Tribunal¹ by way of OA 1973/2021, challenging the entire disciplinary proceedings against him.

5. The Tribunal disposed of the OA *vide* order dated 9 September 2021, directing that the appeal of the respondent be decided and that, in the meanwhile, the punishment order against him be kept in abeyance.

6. Aggrieved thereby, the petitioners have approached this Court by means of the present petition.

7. While issuing notice on the petition, on 16 December 2021 this Court stayed the operation of the impugned order passed by the Tribunal to the extent that it directed the removal order of Respondent 1 to be kept in abeyance.

8. The result is that the removal order of Respondent 1 has been given effect to, and the direction of the Tribunal to keep the removal order in abeyance, has never been implemented.

9. The main contention of the learned Counsel for the petitioners is that the Tribunal ought not to have entertained the original application even when the appeal had been filed by Respondent 1 a few days prior to the institution of the OA. He further submits that the direction to keep the removal order in abeyance, pending disposal of the appeal filed by Respondent 1, is in the teeth of several decisions of



the Supreme Court.

10. We do not deem it necessary to enter into these aspects of the matter as, after the impugned order was passed, nearly three years have passed. In the meanwhile, the direction of the Tribunal to keep the removal order in abeyance has itself been stayed by this Court, and has never been given effect to.

11. In that view of the matter, we dispose of this petition by directing the petitioners to take a decision on Respondent 1's appeal within a period of four weeks from today. Needless to say, the decision would be taken in accordance with law and due compliance of the principles of natural justice and after giving Respondent 1 an opportunity of hearing. The order would be reasoned and speaking. If Respondent 1 has any grievance against the said decision, the remedy with Respondent 1 as available in law would stand reserved.

12. The impugned order dated 9 September 2021 passed by the Tribunal to the extent it directs that the removal order of Respondent 1 be kept in abeyance is quashed and set aside. The interim order passed by this Court is made absolute and shall continue to remain in operation till the decision on the appeal filed by Respondent 1.

13. The petition is disposed of in the aforesaid terms.

C.HARI SHANKAR, J.

ANOOP KUMAR MENDIRATTA, J.

NOVEMBER 18, 2024/v

Click here to check corrigendum, if any