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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 11757/2024

ASI/RO SANJA Y KUMAR CHAUDHARYPetitioner

Through: Mr.Durgesh Kumar Sharma, Adv.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr.Vineet Dhanda, CGSC with
Ms.Archana Surve, Adv.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

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27.08.2024

CM APPL. 48885/2024

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

W.P.(C) 11757/2024 & CM APPL. 48886/2024 (directions)

3. The petitioner has approached this Court under Article 226 of the Constitution of India, assailing the order dated 13.10.2023 passed by the respondents. Vide the impugned order, the petitioner has been dismissed from service after rendering more than twenty years of satisfactory service on the ground of his having overstayed sanctioned leave.
4. Learned counsel for the petitioner submits that while passing the impugned order, the respondents have failed to appreciate that the petitioner had overstayed leave under compelling circumstances as his minor child was undergoing treatment for a brain tumour and has



now succumbed to the same. He, therefore, contends that the penalty of dismissal imposed on the petitioner is shockingly disproportionate.

5. Issue notice. Learned counsel for the respondents accepts notice and submits that since the petitioner's statutory appeal is still pending consideration, the present petition is premature at this stage.
6. We are inclined to agree with the respondents that the present petition is premature at this stage and are of the view that the petitioner's pending appeal should be decided expeditiously. We, accordingly, dispose of the writ petition by directing the respondents to decide the petitioner's pending appeal within a period of four weeks by duly taking into account the facts noted in paragraph no.4 hereinabove.
7. Needless to state, in case, the petitioner is aggrieved by any order passed by the respondents, it will be open for him to seek legal recourse as permissible in law.
8. The writ petition is, accordingly, disposed of in the aforesaid terms.

REKHA PALLI, J

SHALINDER KAUR, J

AUGUST 27, 2024

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