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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 151/2024, CM APPL. 653/2024 -Ex., CM APPL. 654/2024
-Stay (Cont. Pet.) & CM APPL. 655/2024 -Stay (O.A.).
UNION OF INDIA & ORS.

..... Petitioner

Through: Mr. Anshuman, Sr. Panel Counsel
with Mr. Piyush Ahluwalia, Adv.

versus

ASHISH SIWACH

..... Respondent

Through: Mr. M.K.Bhardwaj, Ms. Priyanka M.
B., Mr. Arun Prakash, Advs.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

05.01.2024

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1. The present petition under Articles 226 and 227 of the Constitution of India seeks to assail the order dated 18.09.2023 passed by the learned Central Administrative Tribunal in OA 2303/2023. Vide the impugned order, the learned Tribunal has set aside the order dated 28.07.2023 passed by the petitioner whereby the services of the respondent who had been appointed as an Auditor in the Defence Accounts Department pursuant to his selection by the Staff Selection Commission, has been quashed.
2. The primary ground on which the termination order has been quashed by the learned Tribunal is that even though the said order was



stigmatic, the same had been passed without holding any inquiry against the respondent.

3. Having perused the impugned order, this Court is of the considered view that the approach adopted by the learned Tribunal was absolutely correct in law and, therefore, no interference is called for with the impugned order.
4. At this stage, learned counsel for the petitioner submits that even if the termination of the respondent was found to be faulty on account of non-compliance with the principles of natural justice, the learned Tribunal ought to have at least granted an opportunity to the petitioner to take action against the respondent as per law. Learned counsel for the respondent who appears on advance notice fairly admits that the petitioners are entitled to initiate departmental action against the respondent as per law.
5. In the light of this stand taken by the parties, the writ petition, alongwith all pending applications, stands dismissed by clarifying that despite the termination order dated 28.07.2023 having been set aside, it will be open for the petitioners to initiate departmental action against the respondent as per law.

REKHA PALLI, J

DR.SUDHIR KUMAR JAIN, J

JANUARY 5, 2024

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