



\$~87

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

+ **W.P.(C) 13175/2024**

DEVENDRA KUMAR DHAKAD

.....Petitioner

Through: Mr. Ravinder Kumar Sharma,
Advocate.

versus

AIRPORT AUTHORITY OF INDIA AND ORSRespondents

Through: Mr. Mritunjay Kumar Singh, Mr.
Saikat Khatua, Mr. Bhriyudutt and Ms. Anjali
Mangal, Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

19.09.2024

%

1. This writ petition has been preferred on behalf of the Petitioner under Article 226 of the Constitution of India laying a challenge to order dated 25.05.2023 whereby suspension period of the Petitioner from 19.07.2019 to 27.02.2020 has been treated as period 'Not spent on duty' and Petitioner has been held not entitled for any pay and allowances other than subsistence allowance, which he has drawn during the suspension period.

2. During the course of hearing, learned counsel for the Respondents points out that the disciplinary proceedings were initiated against the Petitioner pursuant to a charge sheet dated 02.01.2020 under Regulation 29 of Airports Authority of India Employees (Conduct, Discipline and Appeal) Regulations, 2003 ('2003 Regulations') and have culminated into penalty of 'Withholding of one increment for a period of 01 year without cumulative



effect and upon completion of penalty period, increment to be restored’ vide order dated 22/23.09.2022. This order was challenged by the Petitioner in appeal and vide order dated 23/26.12.2022 the Appellate Authority, in exercise of powers conferred by Regulation 36(2) of 2003 Regulations, has reduced the penalty to ‘Withholding of one increment for the period of six months without cumulative effect’ but till date Petitioner has not challenged the said orders.

3. Faced with this, learned counsel for the Petitioner, on instructions, seeks to withdraw this writ petition with liberty to challenge the order of the Disciplinary Authority imposing the penalty as well as the appellate order to the extent penalty has not been set aside, as the penalty has a direct bearing on the order impugned herein.

4. Writ petition is disposed of as withdrawn with liberty as prayed for, in accordance with law, making it clear that this Court has neither entered into nor expressed any opinion on the merits of the case.

JYOTI SINGH, J

SEPTEMBER 19, 2024/shivam