



2024:DHC:7930-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 14171/2024 & CM APPL. 59292/2024**

ANKUR KUMAR

.....Petitioner

Through:

versus

CENTRAL BUREAU OF INVESTIGATION AND ANR.

.....Respondents

Through: Mr. Rajesh Kumar, Ms.
Mishika Pandita and Mr. Changez Ali Khan,
Advs for CBI

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER (ORAL)

08.10.2024

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C. HARI SHANKAR, J.

CM APPL. 59292/2024 [Exemption]

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

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3. This petition under Article 226 of the Constitution of India

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assails the following order dated 19 September 2024 passed by the learned Central Administrative Tribunal¹ in OA/2988/2023²:

“1. Despite being granted six opportunities, the respondents have not yet filed counter reply. Learned counsel for the respondents submits that the counter reply is ready, however, some documents which are necessary to be annexed with the counter reply are required to be obtained from Chandigarh office of the respondents, therefore, the counter reply could not be filed.

2. He further seeks 3 weeks’ time, as last opportunity, to file reply.

3. It is provided that if the counter reply is not filed even within the extended time, the same shall be taken on record subject to payment of cost of ₹ 3,000/-, payable to the Prime Minister’s Relief Fund.

4. List on 07.11.2024.”

4. Mr. Rajesh Kumar, learned Counsel for the respondent-CBI submits that, in fact, the counter-affidavit stands filed.

5. Despite this fact, learned Counsel for the petitioner argued the matter for some time, submitting that his clients have been dismissed from service under the proviso to Article 311(2) of the Constitution of India and that he had approached the learned Tribunal; that the learned Tribunal had relegated him to appeal; that against the order passed in the appeal, he had re-approached the learned Tribunal and that the matter has remained pending before the learned Tribunal for a considerable period of time for filing of counter-affidavit. He submits that there is a dearth of CBI Counsel in the learned Tribunal which is

¹ “The learned Tribunal” hereinafter

² **Ankur Kumar v Central Bureau of Investigation**



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why matters involving the CBI get delayed.

6. This Court is inundated with writ petitions against orders passed by the learned Tribunal. We doubt if, when the Full Bench of the High Court of Andhra Pradesh had rendered its decision in *Sakinala Harinath v State of AP*³, which was upheld in appeal by seven Hon'ble Judges of the Supreme Court in *L. Chandra Kumar v UOI*⁴, their Lordships ever visualised that, even against orders of adjournment, writ petitions would be filed.

7. The result is that, even today, there are nearly 90 matters listed on the Board. Owing to petitions such as this, the Bench is finding itself constrained by time to take up deserving matters in which persons may be out of their jobs or of Group-C and Group-D employees.

8. We are of the opinion that this petition is completely misconceived. This Court cannot monitor the working of the learned Tribunal. We are aware of the constraints with the which the learned Tribunal is faced and the number of matters which are listed before each of the Benches. We unhesitatingly record our approval for the manner in which the learned Tribunal is conducting its affairs.

9. The petition is, accordingly, dismissed with token costs of ₹ 5000/- to be paid to the account of the Armed Forces Battle Casualties

³ (1993) SCC OnLine AP 195

⁴ (1997) 3 SCC 261



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Welfare Fund, Canara Bank, A/c No. 90552010165915, by way of a cross cheque/demand draft. Let a cheque/demand draft for the said amount be deposited by the petitioner, with the Registry of this Court, within four weeks from today.

C. HARI SHANKAR, J.

DR. SUDHIR KUMAR JAIN, J.

OCTOBER 8, 2024

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Click here to check corrigendum, if any