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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 15.07.2025

+ W.P.(C) 9896/2025
UNION OF INDIA & ANR.Petitioners
Through: Mr. Ripudaman Bhardwaj,
CGSC with Mr. Kushagra
Kumar, Mr. Amit Kumar,
Advs. , Mr. Sreejith T (IPS) SP
(NIA) Mr. Anil Dabas (P.P)
NIA for respondent.

versus

VISHAL GARGRespondent
Through: Mr. Ravi Prakash, Sr. Adv.
along with Ms. Ashu
Khandelwal, Adv.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (ORAL)

CAV 261/2025

1. Ms. Ashu Khandelwal, learned counsel for the respondent/caveator appears on advance notice.
2. In view of the same, the caveat stands discharged.

CM APPL. 41287/2025 (Exemption)

3. Allowed, subject to all just exceptions.

W.P.(C) 9896/2025 & CM APPL. 41286/2025 (stay)

4. This petition has been filed challenging the Order dated 15.05.2025 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to be as 'Tribunal')



in OA No. 644/2025, titled **Vishal Garg v. National Investigation Agency through its Director General & Anr.**, by which the OA filed by the respondent has been allowed and the Charge Memo dated 02.02.2024 issued against the respondent has been set-aside. Further, the respondent has also been held entitled to all consequential benefits.

5. The learned Tribunal, in its Impugned Order, has primarily held that due to the delay in completion of the enquiry proceedings, prejudice has been caused to the respondent.

6. With the consent of the learned counsels for the parties, the petition is being heard today for final disposal.

7. We had put to the learned senior counsel for the respondent that the Impugned Order passed by the learned Tribunal does not appear to have considered on merit, the effect and legality of the Order dated 11.04.2025, whereby the Disciplinary Authority had extended the period for completion of the enquiry by another 6 months till 17.10.2025. In response thereto, the learned senior counsel for the respondent submits that the Order passed by the Disciplinary Authority is not legally enforceable, however, agrees that as these issues have not been considered by the learned Tribunal, the matter be remanded back to the learned Tribunal for giving a finding on the same.

8. The learned counsel for the petitioner has also placed reliance on the Judgment of the Supreme Court in **State of Madhya Pradesh v. Akhilesh Jha**, (2021) 12 SCC 460, to submit that merely on ground of delay and on an ambiguous plea of prejudice being caused to the delinquent, the charge-sheet could not be quashed.



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9. While considering the issue of the legality and effect of the Order dated 11.04.2025 passed by the Disciplinary Authority, the learned Tribunal shall also adjudicate the said issue afresh.
10. Accordingly, the Impugned Order dated 15.05.2025 is set-aside. The OA is restored to its original number. The parties shall appear before the learned Tribunal on 04.08.2025.
11. As only a legal issue is involved, the learned Tribunal is requested to expedite the hearing of the OA and to decide the same preferably within a period of a month of its first listing.
12. In the above terms, the petition is disposed of.
13. We make it clear that we have not expressed any opinion on the merits of the dispute involved in the present petition, which shall be considered by the learned Tribunal remaining uninfluenced by any observation made by us herein.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

JULY 15, 2025/bsn/kz/ik