



2025:DHC:10590-DB



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

Date of decision: 27.11.2025

+ W.P.(C) 18003/2025
SAGAR KUMAR

.....Petitioner

Through: Ms.Esha Mazumdar and
Ms.Anushka Gupta, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr.Dhananjai Rana, CGSC

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

CM APPL. 74510/2025 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 18003/2025

2. This petition has been filed by the petitioner, challenging the Order dated 30.10.2025 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as 'Tribunal') in O.A. No. 4115/2025 titled *Sagar Kumar v. Home Affairs*, whereby the learned Tribunal declined to grant the *interim* relief to the petitioner.

3. The petitioner has filed the above O.A. challenging the Order dated 23.09.2025, whereby the respondents terminated his services by invoking Rule 5(1) (a) of the Central Civil Services (Temporary



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Services) Rules, 1965. The termination order has been passed on the allegation that the petitioner failed to disclose the FIR registered against him, that is, FIR No.420/23 under Sections 308/323/325/504 of the Indian Penal Code, 1806, dated 15.09.2023, registered at Police Station: Budhana, Muzaffarnagar, U.P., in his attestation form.

4. The learned counsel for the petitioner submits that the petitioner was not aware of the registration of the said FIR and had, in fact, been falsely implicated in the same, which is evident from the fact that in the charge-sheet filed, he was placed in column no.12, that is, as a person against whom no evidence was found. She further submits that the Impugned Order does not examine whether the petitioner was aware of the registration of the said FIR against him at the time of filling the attestation form.

5. She further submits that the learned Tribunal erred in rejecting the *interim* prayer solely on the ground that granting such relief would amount to allowing the O.A. itself. She submits that the petitioner had been working with the respondents for almost a year, and if *interim* relief is not granted, he would be rendered jobless, causing irreparable harm to him. This, she contends, may even render the O.A. infructuous at a later stage, inasmuch as the respondents may carry forward the vacancy.

6. In support of the plea, she places reliance on the Judgment of the Supreme Court in **Deoraj v. State of Maharashtra & Ors.**, (2004) 4 SCC 697. She submits that, in similar circumstances, the learned Tribunal granted *interim* protection in O.A. No. 684/2023, titled



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Rupesh Kumar Meena v. GNCTD, vide Order dated 10.03.2023.

7. On the other hand, the learned counsel for the respondents, who appears on advance notice of this petition, submits that the order terminating the services of the petitioner has been rightly passed on the recommendations of the Screening Committee. He submits that it is not believable that the petitioner was unaware of the registration of the FIR against him; rather, he had intentionally concealed this information from the respondents at the time of filling the attestation form. He further submits that, in any case, in matters relating to termination from service, *interim* relief cannot be granted as it would amount to granting the final relief at an *interim* stage. In support of his submissions, he places reliance on the Judgment of the Supreme Court in ***State of Uttar Pradesh & Ors. v. Sandeep Kumar Balmiki & Ors.***, (2009) 17 SCC 555, and of this Court in ***Rohit Sharma v. Union of India & Anr.***, 2021:DHC:1692-DB.

8. We have considered the submissions made by the learned counsels for the parties.

9. In view of the facts that the O.A. is now listed before the learned Tribunal on 15.12.2025, we would not like to express any opinion on the merits of the pleas raised by the learned counsels for the parties, as the same may eventually influence or prejudice the learned Tribunal in deciding the O.A..

10. Even assuming that the petitioner has been able to make out a *prima facie* case, we are unable to agree with the submission of the learned counsel for the petitioner that refusal to grant *interim* relief



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would cause irreparable harm to the petitioner. In the event the petitioner succeeds in the petition, he can always be reinstated in service along with all consequential benefits. On the other hand, the grant of any *interim* relief at this stage would mean that the petitioner would rejoin service, and if the O.A. was ultimately dismissed, it would, as noted by this Court in **Rohit Sharma** (supra), amount to usurpation of a public office without any right to the same. We quote from the Judgment as under:

*“9. No answer is forthcoming to, how in the event of the OA being ultimately dismissed, the presence of the petitioner on the rolls of the respondents Indian Navy, after the date of the service of the order of discharge will be explained. Supreme Court, in **State of Haryana Vs. Suman Dutta** (2000) 10 SCC 311, has observed that by an interim order, if an employee is allowed to continue in service and then ultimately the writ petition is dismissed, then it would tantamount to usurpation of public office without any right to the same. Similarly, in **State of U.P. Vs. Sandeep Kumar Balmiki** (2009) 17 SCC 755, it was held that by an interim order, termination of employment could not be stayed as giving such a relief amounted to allowing the writ petition itself. In **Bhankra Byas Managing Board Vs. Suresh** (2009) 7 SCC 515 also, while setting aside an interim order of the High Court granting compassionate employment, the Supreme Court observed that the High Court was not justified in granting such interim order at the admission stage and although a decree had been passed against the appellant directing the appellant to make compassionate appointment, but at the interim stage of the second appeal, the appellant could not be directed to appoint the respondent, on the statement of the respondent that he was*



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*ready to forego the past benefit if he was taken in service. Reference may also be made to the dicta of this Court in, **Air India Ltd. Vs. Aditya Beri** MANU/DE/2781/2012 (DB) and **The Co-operative Store Ltd., Superbazar Vs. Superbazar Karamchari Hitesh Sangathan** MANU/DE/5089/2012 (DB).”*

11. In **Deoraj** (supra), the Supreme Court observed that it is only in rare cases, accompanied by compelling circumstances, where the injury complained of is immediate and pressing and would cause extreme hardship, that the Court may consider granting an *interim* relief which may otherwise be tantamount to granting the final relief itself. The Court explained that such situations arise where, if *interim* relief is not granted, there would be nothing further to decide in the O.A., rendering it infructuous. The same cannot be said in the present case. As noted hereinabove, in the event the petitioner succeeds, he can always be restored to the position he would otherwise be entitled to in law.

12. Accordingly, we do not find any merit in the present petition. The same is dismissed. However, considering that the O.A. challenges a termination order, we request the learned Tribunal to expedite the hearing and decide the matter preferably within a period of six months of the first listing of the case after this order.

NAVIN CHAWLA, J

MADHU JAIN, J

NOVEMBER 27, 2025/ns/DG