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

+ W.P.(C) 9449/2019, CM APPL. 8257/2020 and CM APPL. 33357/2021

RAHUL YADAV

.....Petitioner

Through: Mr. Kripa Shankar Prasad, Mr. Indra Bhushan Prasad, Mr. Mohd. Ainul Ansari, Mr. Rishabh Goyal and Mr. Harsh Jain, Advs.

versus

MINISTRY OF RAILWAYS AND ORS.Respondents

Through: Ms. Pratima N. Lakra, CGSC along with Mr. Shailendra Kumar Mishra and Mr. Abhishek Sharma, Advs.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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16.02.2026

1. The present Petition has been filed under Article 226 of the Constitution of India seeking issuance of a writ in the nature of *Certiorari* for quashing of the order dated 18.02.2019 [hereinafter referred to as the 'Impugned Order'] passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi [hereinafter referred to as 'Tribunal'] in O.A. NO. 2952/2016, whereby Original Application filed by the Petitioner was disposed of with a direction to the Respondents to take an appropriate decision in relation to the disciplinary matter expeditiously.

2. In order to appreciate the controversy involved, the essential facts, in brief, are required to be noticed.



3. The Petitioner was initially appointed in the Catering Department of Northern Railway and was subsequently de-categorized and posted as Supervisor. It is not in dispute that the Petitioner was placed under suspension on 08.06.2011. The grievance of the Petitioner is that no disciplinary proceedings were initiated against him despite prolonged suspension.

4. Aggrieved by the inaction on the part of the Respondents, the Petitioner approached the Tribunal by filing O.A. No. 2952/2016. The said Original Application was disposed of *vide* order dated 18.02.2019, whereby the Tribunal observed that the Respondents were duty-bound to take a decision in the disciplinary matter expeditiously and directed them to pass an appropriate order in accordance with law.

5. Pursuant to the aforesaid directions issued by the Tribunal, the Respondents passed an order dated 06.03.2020, which reads as under:

NOTICE

**DRM Office
New Delhi**

In terms of Hon'ble CAT New Delhi's the following order dated 25.02.2019 in OA No. 2958/2016 as under:-

"The respondents are duty bound to take decision in disciplinary matter after some time expeditiously whatever may be the circumstances and if the applicant is not co-operating in the matter, the competent authority is empowered as per rule to take a decision and even to pass final orders in the matter of unauthorized absence of the applicant for years altogether".

In view of the above order of Hon'ble Central Administrative Tribunal order dated 25.02.2019 and Railway Board establishment circular no. 14/2016 dated 05.02.2016, the competent authority i.e. Sr. DCM/C decided that Sh.Rahul Yadav Ctg/Ins/DLI is deemed to have resigned from the Railway Service with immediate effect.

**Divisional Personnel Office
N. Railway/ NDLS**

**File No.727E/2/5135/P-2
Date – 06.03.2020.**



Copy to:

1. Sr. DCM/C
2. APO/BILLS
3. APO/Settlement
4. APO/LEGAL
5. Sh. Rahul Yadav Ctg/Inspt/DLI

6. Learned counsel appearing on behalf of the Petitioner submitted that since the present Writ Petition had already been filed challenging the Impugned Order dated 18.02.2019, the Respondents could not have passed a fresh order dated 06.03.2020 during the pendency of the Writ Petition.

7. This Court has considered the submissions advanced on behalf of the Petitioner.

8. It is not in dispute that the Tribunal, while disposing of the Original Application, had directed the Respondents to take a decision in the disciplinary matter expeditiously. The subsequent order dated 06.03.2020 has been passed in purported compliance with the said directions. Merely because a Writ Petition was pending before this Court would not, *ipso facto*, preclude the Respondents from complying with the directions issued by the Tribunal, particularly in the absence of any interim order staying the operation of the Tribunal's directions.

9. The contention of the Petitioner that the Respondents were denuded of jurisdiction to pass the order dated 06.03.2020 during the pendency of the present Writ Petition is, therefore, without merit.

10. Learned counsel for the Petitioner further submits that the correctness and legality of the order dated 06.03.2020 has already been assailed by way of a Miscellaneous Application and notice has been issued therein.

11. In the considered view of this Court, the order dated 06.03.2020



constitutes a fresh and independent cause of action. If the Petitioner is aggrieved by the said order, the appropriate remedy would lie before the Tribunal by way of a substantive Original Application under the Administrative Tribunals Act, 1985, and not by way of a Miscellaneous Application in the present proceedings.

12. The scope of the present Writ Petition is confined to the challenge laid to the Impugned Order passed by the Tribunal. The subsequent order dated 06.03.2020 cannot be adjudicated incidentally in the present proceedings without the same being independently challenged before the appropriate forum.

13. In view of the foregoing discussion, the present Writ Petition is disposed of, granting liberty to the Petitioner to avail appropriate remedy in accordance with law by filing a fresh Original Application before the Tribunal challenging the order dated 06.03.2020, if so advised.

14. It is clarified that this Court has not expressed any opinion on the merits of the order dated 06.03.2020, and all rights and contentions of the parties are left open.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

FEBRUARY 16, 2026

s.godara/pal