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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 7620/2017 & CM APPL. 31337/2021, CM APPL. 20410/2022

MEDICAL COUNCIL OF INDIA

.....Petitioner

Through: Mr. T Singhdev, Mr. Abhijit Chakravarty and Mr. Vedant Sood, Advs.

versus

ANSHU SETHI BAJAJ

.....Respondent

Through: Mr. Nitin Soni & Mr. Deepjyot Singh, Advs.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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29.01.2026

1. Through the present writ petition, the Petitioner calls in question correctness of the order dated 10.08.2017 passed by the learned Central Administrative Tribunal ('CAT') in OA No.1623/2017, wherein the learned CAT disposed of the original application with following observations :

"14. We are, therefore, of the considered opinion that the suspension of the applicant in the given circumstances is not sustainable in law. The OA is accordingly allowed with the following directions:

(1) *Suspension of the applicant beyond initial 90 days is hereby set aside and quashed.*

(2) *As a consequence of quashment of the suspension, the applicant shall be reinstated within one month from the date of receipt of this order.*

(3) *The applicant shall be entitled to salary minus the subsistence allowance already*



received by her.

- (4) Initial period of suspension up to 90 days shall be decided in accordance with Fundamental Rule 54-B.
- (5) The respondents are at liberty to attach the applicant and shall be under no obligation to allot any work to her to prevent her from tampering with the record/investigation.”

2. After hearing learned counsel for the parties on 19.10.2022, the following order was passed by this Court:

“1. Learned counsel appearing for the respondent submits that the memorandum of charges dated 19.06.2015 and 13.08.2018 have been withdrawn by the petitioner on 05.12.2016 and 13.03.2020. He further submits that in the FIR registered against the respondent a closure report has been filed by the CBI which is under consideration of the competent Court.

2. Learned counsel for the petitioner states that a further chargesheet was issued on 16.03.2020. Pursuant thereto the Enquiry Officer and the Presenting Officer were appointed, however, the enquiry could not be proceeded with in view of the statutory termination of the employees by the dissolution of the Medical Council of India and its substitution with the National Medical Commission Act, 2019 which was notified w.e.f 25.09.2020.

3. Learned counsel for the petitioner fairly states that that enquiry against the respondent has been dropped and there is no further contemplation of any enquiry. He submits that the said decision has been taken in view of the fact that there is a statutory termination of all employees of the erstwhile Medical Council of India. He further states that said statement was made before this Court on 15.03.2021 as is recorded in the said order.

4. Learned counsel further submits that a statutory termination package is being given to all erstwhile employees of Medical Council of India including the



present respondent and she in any event shall be paid the statutory termination compensation irrespective of the period of suspension and the decision pertaining to the said period.

5. *We observe that the Tribunal in the impugned order had directed the petitioners to pass an order with regard to the suspension of the respondent for the initial period of 90 days under Fundamental Rule 54B. The suspension has continued till the date of the statutory termination.*

6. *Accordingly, we direct the petitioner to pass an appropriate order in terms of Fundamental Rule 54B. The competent authority shall first take into account the Fundamental Rule 54B(3) and pass a speaking order thereunder. Let the decision of the competent authority be placed before the Court on the next date of hearing. It is clarified that the same would be without prejudice to the rights and contentions of the parties.*

7. *List on 06.02.2023.”*

3. Learned counsel representing the Petitioner submits that in view of the aforesaid order already passed by the learned CAT as well as the order by this Court on 19.10.2022, no further order is required to be passed.

4. Ordered accordingly.

5. In view of the above, the present writ petition along with the pending applications is disposed of.

ANIL KSHETARPAL, J

AMIT MAHAJAN, J

JANUARY 29, 2026

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