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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% *Decided on: 29.04.2022*
+ W.P.(C) 6779/2022, CM APPL. 20603/2022, CM APPL.
20604/2022, CM APPL. 20605/2022 & CM APPL. 20606/2022

RAJESH KUMAR GUPTA Petitioner

Through: Mr. Prakhar Bhatnagar and Mr.
Mohit Tyagi, Advs.

versus

CBSE AND ORS. Respondents

Through: Mr. M.A. Niyazi, SC for CBSE
with Ms. Anamika Ghai Niyazi
and Ms. Nehmat Sethi, Advs.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

NAJMI WAZRI, J. (ORAL)

The hearing has been conducted through hybrid mode (physical and virtual hearing).

1. After some arguments, the learned counsel for the petitioner submits that without prejudice to petitioner's rights and contentions, the remedy as recorded in paragraph 4 of the impugned order will be pursued by the petitioner in OA no. 996/2021.
2. The learned Central Administrative Tribunal (CAT), Principal Bench, New Delhi had on 13.05.2021 directed the respondents to conclude the proceedings against the petitioner within six weeks of receipt of copy of the said order. There was non-

compliance within the time granted. The petitioner moved a contempt petition. However, in the interim, the respondents complied with the order therefore the contempt petition was disposed-off accordingly.

3. The petitioner impugned the ‘compliance’ order of the respondents by way of another OA. No. 1660/2021, in which it was noted by the learned CAT on 07.04.2022, that the petitioner had not availed the statutory remedy. It recorded as under:

“...4. In view of the aforesaid and with the consent of the learned counsels for the parties, the present OA is disposed of, with liberty to the applicant to avail the remedy of statutory appeal within 10 days from today, and if such appeal is received by the respondents, they shall consider and dispose of the same on merits, by passing a reasoned and speaking order, as expeditiously as possible, and preferably within six weeks of receipt of such appeal.”

4. Instead of appealing before the competent authority apropos the penalty imposed upon him, the petitioner has approached this court. The order dated 07.04.2022 is not impugned and cannot be impugned, instead the earlier order dated 13.05.2021 in earlier O.A. no. 996/2021 which had only directed the respondents concerned to conclude the proceedings within six weeks has been impugned. It was an innocuous direction and nobody had any objection to it. The order was complied with. The compliance order is not disputed. In the circumstances, the present petition is misconstrued and is baseless.

5. The petition, along with the pending applications, is dismissed.

NAJMI WAZIRI, J

SWARANA KANTA SHARMA, J

APRIL 29, 2022/dss

