



2024:DHC:7549-DB



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

+ W.P.(C) 876/2022

DR. SHANTANU MANDALPetitioner

Through: Mr. Rakesh Dhingra, Adv.

versus

UNION OF INDIA AND ANRRespondents

Through: Ms. Amrita Prakash, CGSC
with Mr. Vishal Ashwani Mehta, Adv for
UI

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER (ORAL)

30.09.2024

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CM APPL. 57474/2024

1. By order dated 13 March 2024, this court disposed of WP(C) 876/2022. That writ petition was directed against an order dated 24 December 2021 passed by the Central Administrative Tribunal¹, whereby the petitioner's challenge to order dated 30 July 2021, transferring him from Delhi to Nagpur, was rejected. This court did not find any reason to interfere with the decision of the Tribunal. However, in Para 7 of the order dated 13 March 2024, the respondent was directed to conclude the enquiry against the petitioner within four months, subject to cooperation by the petitioner.

¹ in OA 2168/2021



2. The present application has been moved in the aforesaid petition, which already stands disposed of. The prayer clause in this application reads as under:

“It is therefore, most humbly prayed that on the facts and circumstances of the case and in the interest of justice, this Hon’ble Court may graciously be pleased to:

- a) To direct the respondents not to change the inquiry report already submitted by the IA [ICC - CCS] in May 2024 and the same be taken as final;
- b) To direct the respondents to produce the relevant records including the sealed cover of the Departmental Promotion Committee (DPC) recommendation with regard to promotion of the applicant from SAG to HAG level before this Hon’ble Court;
- c) To direct the respondents to allow the applicant to join at Dr. RML Hospital, Delhi as per transfer order dated 01.08.2024;
- d) To pass any other directions as deemed fit and proper in the facts and circumstances of the case.”

3. To our mind, this application is not maintainable. The grievance of the applicant seems to be with respect to the manner in which the inquiry is proceeding.

4. Mr. Dhingra, learned Counsel for the petitioner/applicant further submits that there is already an inquiry report in May 2024 and that should be treated as final, as the said inquiry report is being reviewed at the instance of the disciplinary authority.

5. If that is the grievance of the petitioner, it constitutes a fresh cause of action, for which the petitioner would have to avail his remedies in accordance with law.



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6. At this stage, Mr. Dhingra, learned Counsel for the petitioner, seeks leave to withdraw this application.

7. The application stands dismissed as withdrawn.

C.HARI SHANKAR, J.

DR. SUDHIR KUMAR JAIN, J.

SEPTEMBER 30, 2024/N

Click here to check corrigendum, if any