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

+ **W.P.(C) 3066/2024**

GOVT OF NCT OF DELHI AND ORS Petitioners

Through: Mrs. Avnish Ahlawat, Standing
Counsel with Mr. N.K.Singh,
Advocate.

versus

CHARAN SINGH

..... Respondent

Through: Mr. Rajesh Chauhan, Advocate.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

% **29.02.2024**

CM APPL. 12597/2024 -Ex./LLOD.

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 3066/2024 and CM APPL. 12596/2024 -Stay.

3. The present writ petition under Articles 226 and 227 of the Constitution of India seeks to assail the order dated 04.09.2023 passed by the learned Central Administrative Tribunal in O.A.2498/2014. Vide the impugned order, the learned Tribunal has set aside the penalty of forfeiture of one year's approved service imposed on the respondent by the appellate authority.

4. Learned counsel for the petitioner submits that the impugned order is wholly perverse as the learned Tribunal has failed to appreciate that in a domestic enquiry the guilt of the respondent had to be tested on the



principles of preponderance of probabilities. He, therefore, prays that the impugned order be set aside.

5. Issue notice. Mr. Rajesh Chauhan, accepts notice on behalf of the respondent. He prays for, and is granted six weeks time to file the counter-affidavit. Rejoinder thereto, if any, be filed within four weeks thereafter.

6. List on 12.08.2024.

7. The operation of the impugned order shall remain stayed till the next date.

REKHA PALLI, J

RAJNISH BHATNAGAR, J

FEBRUARY 29, 2024/ib