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

+ **W.P.(C) 5348/2023**

SUKHARANJAN MISTRY Petitioner
Through: **Mr. Rohit Kaliyan, Advocate.**

versus

**LD PRINCIPAL DISTRICT AND SESSIONS JUDGE (HQ),
DELHI** Respondent

Through: **Mrs. Avnish Ahlawat, Standing
counsel along with Ms. Laavanya and
Mr. Nilesh Singh, Advocates.**

**CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH**

ORDER
26.04.2023

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CM APPL. 20928/2023

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 5348/2023 & C.M. APPL. 20927/2023 (stay)

3. Issue notice.
4. Mrs. Avnish Ahlawat, learned counsel accepts notice on behalf of the Respondent.
5. Counter affidavit be filed within a period of four weeks. Rejoinder, if any, be filed within four weeks thereafter.
6. In the present writ petition, the Petitioner lays a challenge to the charge-sheet and one of the principal grounds is that the charge-sheet has been belatedly issued and the Supreme Court has repeatedly held that delay in charge-sheet cannot be sustained in law. There is *prima-facie* merit in the contention that if the charge-sheet has been belatedly issued, it vitiates the entire disciplinary proceedings. It is, therefore,

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directed that while the Inquiry Officer may proceed with the inquiry, however, if any report is rendered till the next date of hearing, the same shall be placed in a sealed cover and will not be given effect to.

7. List on 18.09.2023.

JYOTI SINGH, J

APRIL 26, 2023/K/ck