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

+ **W.P.(C) 15476/2022 & CM APPL. 48142/2022**

GOVERNMENT OF NCT OF DELHI & ORS. Petitioners

Through: Mr. Avnish Ahlawat, Standing
Counsel with Mr. Nitesh Kumar
Singh, Ms. Aliza Alam and Ms. Palak
Rohmetra, Advocates for GNCTD

versus

TARUNVEER SINGH Respondent

Through: Mr. Anil Singhal, Advocate

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

11.11.2022

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CM APPL. 48143/2022 (Exemption)

Allowed, subject to all just exceptions.

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1. Petitioner impugns order dated 23.08.2022 whereby the Original Application filed by the respondent has been disposed of with a direction to the petitioner to consider the case of the respondent afresh in light of the observations made in the impugned order.
2. The respondent who is a Constable of Delhi Police is alleged to have absented from duty unauthorizedly for over a period of 118 days. A Disciplinary Inquiry was conducted and he had not even participated in the same. The Tribunal has relied upon some medical documents produced by the respondent alleging that he was suffering

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from depression and anxiety.

3. Learned counsel for the petitioner submits that mere one page certificate was produced from a private hospital which has also not been held by the Tribunal to be a complete authentic valid document. However, Tribunal has merely held that absence was not wilful. He submits that there is no other documents produced to show that there was a continued treatment received by the respondent or that he was under any medication except for that one prescription which also states that it is 'Not valid in the Court'.

4. Issue notice. Notice is accepted by learned counsel appearing for the respondent. Learned counsel for the respondent prays for time to address arguments.

5. List for consideration on 10.05.2023.

6. In the meantime, the operation of the impugned order dated 23.08.2022 shall remain stayed till the next date of hearing.

SANJEEV SACHDEVA, J

TUSHAR RAO GEDELA, J

NOVEMBER 11, 2022
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