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

+ **W.P.(C) 5068/2018**

UNION OF INDIA & ORS

..... Petitioners

Through: Mr. Sanjeev Narula, CGSC with
Ms. Anumita Chandra, Advocate.

versus

RAJINDER SINGH

..... Respondent

Through: Mr. C.K. Bhatt, Advocate.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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11.05.2018

C.M. No. 19564/2018 (Exemption)

Allowed, subject to all just exceptions.

CAV No. 450/2018

1. Appearance is entered on behalf of the caveator, who states that a complete set of the paper book has been served on him.
2. In view of the above, the caveat stands discharged.

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1. The petitioner/UOI is aggrieved by the judgment dated 18.12.2017 passed by the Tribunal, allowing O.A. 2362/2016, filed by the respondent whereunder the order dated 28.4.2016 passed by the Appellate Authority, the order dated 18.5.2016 passed by the Disciplinary Authority and the Charge Memo dated 16/18.5.2016 issued to the respondent, have been

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quashed and set aside. Further, the respondent has been directed to be reinstated in service with full salary and back-wages with effect from 26.9.2008, till the date of his reinstatement.

2. At the outset, learned counsel for the respondent hands over a copy of the order dated 08.5.2018, issued by the office of the Principal Commissioner of Customs, Airport and Administration, Kolkata revoking the suspension order issued in respect of the respondent with effect from 09.5.2018. A copy of the said order has been furnished to the learned counsel for the petitioners, who states that without prejudice to the rights and contentions of the petitioners, the directions issued by the Tribunal in the impugned judgment for reinstatement of the respondent shall be complied with subject to the outcome of the present petition, but the orders directing release of back-wages with effect from 26.9.2008, may be stayed.

3. Subject to the petitioners depositing in court the upto date back-wages of the respondent payable from 26.9.2008, within six weeks from today along with an affidavit furnishing the details of the payment, operation of the impugned judgment insofar as release of the back-wages is concerned, shall remain stayed.

4. Immediately upon receipt of the aforesaid amount, the Registry shall place the same in a FDR, initially for a period of one year, to be renewed thereafter from time to time, till further orders.

5. It is made clear that the reinstatement of the respondent and revocation of his suspension order is without prejudice to the rights and contentions of the petitioners in the present petition and shall be subject to the outcome of the present petition.

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6. The petitioners shall however ensure that the respondent is reinstated in service within four weeks from today.

7. List on 06.2.2019.

DASTI.

HIMA KOHLI, J

VINOD GOEL, J

MAY 11, 2018

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