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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No.2546 of 2002

New Delhi, this the 30th day of September 2002

**HON'BLE SHRI JUSTICE V.S. AGGARWAL, CHAIRMAN
HON'BLE SHRI M.P. SINGH, MEMBER (A)**

Shri Jai Singh Yadav
R/o House No.193-B,
Street-14, Balbir Nagar Extn.,
Shahdara, Delhi-32.
(By Advocate : Shri S.D. Raturi)

.....Applicant

VERSUS

Govt. of N.C.T. of Delhi & Ors.

1. Hon'ble Lt. Governor of Delhi,
Govt. of N.C.T. of Delhi.
2. The Chief Secretary,
Govt. of N.C.T. of Delhi,
I.P. Estate, New Delhi-110002.
3. The Director of Education,
Old Secretariat, Delhi.
4. The Dy. Director of Education,
(North East), 'B' Block,
Yamuna Vihar, Delhi.
5. The Principal Govt. of B.S.S.S. No.1
Mansarovar Park, Delhi.
6. The Principal Govt. of B.Sr. S.S.,
J & K Block, Dilshad Garden, Delhi.

....Respondents

ORDER (ORAL)

Shri Justice V.S. Aggarwal, Chairman:

The applicant had availed of leave travel concession for the block years 1994 – 1997 for himself and other members of his family. It appears that as per the department version, some of the documents and the certificates were found to be fake. The respondents have found

ls Aggarwal

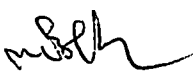
that the applicant arranged fake documents for leave travel concession without actually performing the journey. A show-cause notice had been sent on him on 20.6.2000, to which the applicant did not submit any reply.


2. The grievance of the applicant is that he had submitted his reply to the show-cause notice. The claim was genuine and in any case, without imposing the penalty, the department could not withhold the salary for the months of September, October and November, 2001.

3. So far as the first prayer of the applicant is concerned, at this stage, it is pre-mature for us to exercise any opinion. If the department feels that the documents and the certificates are not genuine, they do not stand debarred from conducting an inquiry in this regard or proceed with any departmental proceeding that may be initiated.

4. As regards the second prayer about withholding of salary for the months of September, October and November, 2001 is concerned, at this stage, it has been pointed out that no punishment order has been passed. If that be so, we feel that it will not be appropriate for the respondents to withhold the salary without issuing any notice to the applicant. We, therefore, direct that in case the respondents think to withhold the salary for the aforesaid period, a speaking order within one month from the date of receipt of a certified copy of this order should be passed and intimate the applicant giving reasons as to why the salary is being withheld.

5. OA is disposed of.


(M.P. Singh)
Member (A)


(V.S. Aggarwal)
Chairman

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