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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

CP No 236/2008

MA 967/2008

MA 968/2008

MA 969/2008

in

OA No. 219/2002

New Delhi this the 3rd day of June, 2008

**Hon'ble Mr. Justice M. Ramachandran, Vice Chairman (J)
Hon'ble Mrs. Veena Chhotrany, Member (A)**

Niroti Lal,
Deputy Superintendent,
Distt. Office South,
Department of Social Welfare,
Govt. of NCT, Delhi.

... Applicant

(By Advocate Shri O.P.Chuahan)

VERSUS

1. Shri Rakesh Mehta,
Chief Secretary,
Govt. of NCT of Delhi.

2. Shri A.S. Avarodhi,
The Director,
Department of Social Welfare,
Govt. of NCT, Delhi. Respondents

O R D E R (ORAL)

(Hon'ble Mr. Justice M. Ramachandran, Vice Chairman (J) :

The Principal Bench had vide its order dated 7.10.2002 in OA 219/2002 set aside the penalty advise of the applicant, finding that the enquiry was held in violation of the principles of natural

justice, in that documents, which were requested to be made available in fact have been withheld. Liberty had been given to the department to proceed with the enquiry, after giving opportunity to the applicant to partake in proceedings.

2. In the course of the renewed enquiry, OA 1727/2004 had been filed, the applicant alleging more or less similar contentions, but at the time of admission it had been disposed of with a direction that the application of the applicant had to be taken notice of and disposed of within two months.

3. Admittedly thereafter the enquiry had been going on and ultimately an order imposing a penalty has been passed on 7.7.2006, it is submitted at the Bar that steps for challenging the orders are under contemplation.

4. The present application has been filed alleging that although there was a direction issued in OA 219/2002, it has practically been ignored and relevant documents were not made available to him. Learned counsel for the applicant submits that although there is delay in lodging the complaints, the applicant could not have helped the situation, as he was to partake in the enquiry. But we have to note that proceedings have been completed. The applicant had for the second time approached the Tribunal and had secured an order. After all these, it may not be possible for him to contend that the orders passed in the year 2002 had not been complied with, especially in an application preferred in June,

2008. Resultantly, we do not think it will be in order to entertain the application. CP is therefore dismissed. The application for condonation of delay filed along with the OA also are hereby dismissed.

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(**Veena Chhotray**)
Member (A)

DR

(**M. Ramachandran**)
Vice Chairman (J)

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