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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 3246/2002

This the 13th day of December, 2002

HON'BLE JUSTICE SH. V.S. AGGARWAL, CHAIRMAN
HON'BLE SH. V.K. MAJOTRA, MEMBER (A)

Upender Kumar
L.D.C.
Esstt. Branch,
Directorate of CD&HG,
Nishkam Sewa Bhawan,
Raja Garden,
New Delhi-110027.
(By Advocate: Sh. Susheel Sharma)

Versus

1. Govt. of NCT of Delhi
Through Principal Secretary,
Govt. of N.C.T. of Delhi,
Delhi Secretariat,
Players Building,
ITO, New Delhi-110002.
2. Director General of Home Guards
& Civil Defence,
Nishkam Sewa Bhawan,
Raja Garden,
New Delhi-110027.
3. Commandant Home Guards/
Head of Office,
Office of the Directorate General of
Home Guards & Civil Defence,
Nishkam Sewa Bhawan,
Raja Garden,
New Delhi-110027.

O R D E R (ORAL)

Justice Sh. V.S. Aggarwal,

The applicant had been employed as a LDC. According to the applicant he has suffered the Viral Hepatitis coupled with problem of Lumbago. He had submitted the application but was directed to appear before the Medical Superintendent. There has been a controversy about the appearance of the applicant before the Medical Superintendent. But suffice to say that Resp. No.3 had blamed the applicant for his non-appearance before the Medical Superintendent. On 23.9.2002 the applicant had resumed the duty after the fitness certificate was issued.

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On 7.10.2002 applicant had been promoted as UDC. The applicant requested the Head of Department to relieve him so that he can join as UDC.

2. The assertion of the applicant is that, instead of relieving him, a show cause notice had been served to the applicant to which he had already replied on 4.12.2002.

3. The grievance of the applicant further is that irrespective of the departmental action that may be taken the applicant should be relieved so that he can join his promotion post regarding which orders have been passed.

4. At this stage, when a show cause notice had been issued and reply has also been filed, it will be appropriate to dispose of the present application with the following directions:-

(a) a conscious decision may be taken as to whether action on the show cause notice is to be contemplated or not.

(b) once an order has been passed promoting the applicant, in that event, decision be taken in this regard to relieve or not to relieve him.

5. Speaking order in this regard should be passed preferably within one month on receipt of the copy of the present order. OA is disposed of.

V.K. Majotra
(V. K. MAJOTRA)
Member (A)

V.S. Aggarwal
(V.S. AGGARWAL)
Chairman

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