



Central Administrative Tribunal Principal Bench, New Delhi

O.A. No.3959/2014

Thursday, this the 2nd day of January 2020

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A.K. Bishnoi, Member (A)

Shri Netam Sumer Singh, age 38 years
Ex. Surveyor
s/o Sh. Hirlu Singh
r/o H.No.399, Sector 3
Pushp Vihar, Delhi

..Applicant

(Mr. Sachin Chauhan, Advocate)

Versus

1. Union of India through the Secretary
Ministry of Urban Development &
Poverty Alleviation
Nirman Bhawan, New Delhi
2. The Joint Secretary (L&E)
Govt. of India
Ministry of Urban Development
Land & Development Office
Nirman Bhawan, New Delhi
3. The Land & Development Officer
Land & Development Office
Ministry of Urban Development
Nirman Bhawan, New Delhi

..Respondents

(Dr. Chaudhary Shamsuddin Khan, Advocate)

O R D E R (ORAL)

Justice L. Narasimha Reddy:

The applicant was working as a Surveyor in the Ministry of Urban Development & Poverty Alleviation, Land and Development Office, Government of India. Criminal Case



No.58/2001 (RC No.22(A)/99) was registered against him in the year 1999 by alleging offences punishable under Sections 13 (2) and 13 (1) (d) of Prevention of Corruption Act, 1988, read with Section 120-B IPC. Through its judgment dated 22.02.2007, the Court of Special Judge (CBI), Delhi convicted the applicant for the said offences and sentenced him to undergo rigorous imprisonment for three years. Taking this into account, the competent authority issued a memorandum dated 06.05.2008. The applicant submitted his representation and on consideration of the same, the competent authority, i.e., Land and Development Officer passed order dated 23.06.2014 imposing the punishment of dismissal from service. Appeal preferred by the applicant was rejected on 09.10.2014. Hence, this O.A.

2. The applicant raised various contentions in the O.A. and the respondents have filed a detailed counter affidavit.

3. We heard the arguments of Mr. Sachin Chauhan, learned counsel for applicant and Dr. Chaudhary Shamsuddin Khan, learned counsel for respondents.

4. The Tribunal is inclined to deal with the matter on merits. However, learned counsel for applicant stated that the Criminal Appeal No.143/2007 filed by the applicant is pending disposal before the Hon'ble High Court of Delhi and that the applicant



may be given opportunity to pursue the remedy depending upon the outcome of Appeal.

5. We, therefore, dismiss the O.A., leaving it open to the applicant to pursue the remedy depending upon the outcome of Criminal Appeal, in accordance with law.

There shall be no order as to costs.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

January 2, 2020
/sunil/