

**Central Administrative Tribunal
Principal Bench**



MA No.718/2020
In
RA No.46/2020
In
OA No.3910/2016

New Delhi this the 3rd day of March, 2020

Hon'ble Mr. Pradeep Kumar, Member (A)

1. Govt. of India,
Through Secretary,
Ministry of Personnel, Public
Grievances & Pensions,
III Floor, Lok Nayak Bhawan,
New Delhi.
2. The Secretary,
Government of India,
Ministry of Urban Development,
Nirman Bhawan,
New Delhi-110001.
3. The Director General of Printing,
Government of India Press,
Ministry of Urban Development,
'B' Wing, Nirman Bhawan,
New Delhi-110001.
4. The Manager,
Government of India Press,
Dist. Aligarh (UP).

-Review Applicants/ Original Respondents

-Versus-

Syed Sagar Ali,
S/o late Sajjad Ali,
Aged about 66 years,
C/o H. No.26/35, Ground Floor,

M.B. Road, Near Anupam Apartment,
Delhi-30.



-Respondent in RA/Original Applicant

O R D E R

This OA was decided vide orders pronounced on 08.03.2019. The respondents in OA have preferred an RA, seeking review of the directions by the Tribunal. Since there has been delay of 196 days in filing the RA, the respondents have also preferred MA No.718/2020 seeking condonation of delay.

2. For the reasons stated in the MA, delay is condoned.

The RA be numbered.

3. The respondents have brought out a new development which took place after the decision was pronounced on 08.03.2019. The respondents have also brought out that this new development has an important bearing on the judgment which was already pronounced.

4. The respondents have brought out that subsequent to the decision by the Tribunal, the respondents have decided and issued a major penalty



charge-sheet to the applicant on 13.11.2019. This charge-sheet reads as under:

“WHEREAS Shri Syed Sagar Ali, Binder (Retired), Government Press at Aligarh, was convicted by District and Session Court, Aligarh vide Order dated 20.06.2011 in a criminal case under Section 302 of the Criminal Procedure Code and was awarded life imprisonment;

AND WHEREAS the President proposes to award an appropriate penalty under Rule 8 & 9 of the Central Civil Services (Pension) Rules, 1972, taking into account the gravity of the criminal charges and the conviction therein;

AND WHEREAS, on a careful consideration of conduct of the said Shri Syed Sagar Ali, which has led to his conviction, the President has provisionally come to the conclusion that the gravity of the charge is such as to warrant the imposition of a major penalty and accordingly proposes to impose on him the penalty of withholding/withdrawing the entire pensionary benefits to the said Shri Syed Sagar Ali;

NOW, THEREFORE, the said Shri Syed Sagar Ali is hereby given an opportunity of making representation on the penalty proposed above. Any representation which he may wish to make against the penalty proposed, will be considered by the President. Such representation, if any, should be made in writing and submitted so as to reach the undersigned not later than fifteen days from the date of receipt of this Memorandum by Shri Syed Sagar Ali.

The receipt of this Memorandum shall be acknowledged by Shri Syed Sagar Ali.

By order and in the name of the President.”

4.1. This charge-sheet has since been served upon the applicant in the OA and the applicant has since submitted his representation also on 19.11.2019.



5. The Tribunal notes that during the hearing of the OA, the respondents did not indicate at any stage whether, in the wake of criminal case, any such action of issuing a departmental charge-sheet is contemplated against the applicant.

6. However, now since the departmental charge-sheet has been issued and it is under process and the decision thereupon shall have an important bearing on the grievance raised and relief granted in the OA, it is considered necessary in the interest of justice that the instant RA by respondents is heard duly giving an opportunity to applicant, before passing any order.

7. In view of the foregoing, let notice be issued on instant RA to the applicant in OA. Counter reply be filed within four weeks. Two weeks thereafter for rejoinder to be filed. The matter be listed before an appropriate Bench on 17.04.2020.

(Pradeep Kumar)
Member (A)

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