

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

OA NO. 1858/2001

This the 22nd day of March, 2002

HON'BLE SH. V.K. MAJOTRA, MEMBER (A)  
HON'BLE SH. KULDIP SINGH, MEMBER (J)

Sukant Baid, S/o Shri Vasudev Baid  
R/o 380, Bagh Kare Khan  
Kishan Ganj  
Delhi- 07.

...Applicant

(By Advocate: Sh. M.R. Rawal proxy for  
Sh. U. Srivastava)

Versus

Govt. of N.C.T. Delhi, through

1. The Chief Secretary  
5, Sham Nath Marg  
Delhi
2. The Director General of Home Guard &  
Civil Defence, C.T.I., Raja Garden  
New Delhi.
3. The Comandant,  
Home Guards, C.T.I. Raja Garden  
New Delhi.

...Respondents

(By Advocate: Sh. Vijay Pandita)

ORDER (ORAL)

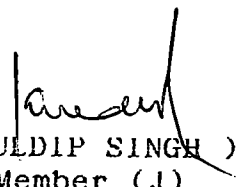
By Sh. V.K. Majotra, Member (A)


Applicant has filed this OA challenging the order issued under Rule 10 of Delhi Home Guards Rules, 1959 which itself is being challenged by the applicant in this OA.

2. Applicant's main grievance is that the impugned order has been passed ex-parte without considering his reply. The applicant further referred to the document Annexure A-5 and submitted that he received this notice on 26.4.2001 though the notice is dated 28.3.2001. Vide this notice he was called upon to give his reply within 7 days. Applicant replied on 29.4.2001, that is, within 7 days but still his reply has not been considered and ex-parte order has been passed discharging him from service.

3. In reply to this, Sh. Pandita submitted that sufficient opportunity had been given to the applicant for filing the reply in time, but as the reply was not received in time, the impugned order was passed ex parte. However, considering the fact that in the reply submitted by the applicant it is specifically mentioned that he had received the show cause notice only on 26.4.2001, there is no document to deny the same on the part of the respondents.

4. Hence, we find that, in fact, applicant has been proceeded against ex-parte. We set aside and quash the impugned order and direct the respondents to consider the reply submitted by the applicant and as such remand back the case. Respondents shall decide the case of the applicant within a period of one month from the date of receipt of a copy of this order. No costs.

  
( KULDIP SINGH )  
Member (J)

  
( V.K. MAJOTRA )  
Member (A)

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