

Central Administrative Tribunal
Principal Bench, New Delhi

O.A.No.1983/2001

Hon'ble Shri V.K.Majotra, Member(A)
Hon'ble Shri Shanker Raju, Member(J)

Monday, the 8th day of July, 2002

Gulab Bhati
House No.111/G, Ward No.9
Near MCD School, Kishangarh
P.O.Vasant Kunj
New Delhi - 70. Applicant

(By Advocate: Shri Ranbir Yadav)

VS

1. Union of India through
The Secretary
Ministry of Human Resource Development
(Department of Secondary Education and
Higher Education)
New Delhi..
2. The Director
Central Hindi Directorate
Ministry of Human Resource Development
(Department of Secondary Education and
Higher Education)
West Block-7, R.K.Puram
New Delhi - 110 066. Respondents

(By Advocate: Shri A.K.Bhardwaj)

O R D E R (Oral)

By Shanker Raju, M(J):

Heard the learned counsel on both sides.

2. Applicant impugns respondents' memos dated 16/19.6.1998, 30.7.1998 and 4.1.2001 where the alleged absence period has been decided as dies-non. Simultaneously, the enquiry was also initiated under Rule 14 of the CCS (CCA) Rules, but ultimately culminated into an order of dismissal passed on 29.5.2002.

3. Learned counsel for applicant has stated that applicant has already preferred an appeal against the order of dismissal to the competent authority.

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4. After hearing both the parties, we are of the considered view that as the administrative letter dated 3.3.1998 is impugned in this OA and as the bone of contention which is also placed reliance in the dismissal order, it would not be appropriate to go into its legality before the dismissal in the disciplinary proceedings attained finality.

5. In this view of the matter, the OA is disposed of with liberty to the applicant to revive the present OA at an appropriate stage, when a final decision is arrived at by the departmental authorities or by the Court, with regard to the dismissal of the applicant. It is, however, goes without saying that the respondents shall dispose of the appeal, and in the light of his grievance of non-payment of salary w.e.f. 3.3.1998 within a reasonable period in accordance with law. No costs.

S. Raju
(Shanker Raju)
Member(J)

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

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