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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.2873/2001

Thursday, this the 18th day of October, 2001

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri S.A.T. Rizvi, Member (A)

R.D.Prasad
S/O Shri C.Prasad
R/O B-562, Delhi Govt. Flat
Timarpur, Delhi

..Applicant

(By Advocate: Shri S.K.Sinha)

Versus

1. Govt. of NCT of Delhi
through
The Lt. Governor
Raj Niwas Marg,
Delhi
2. The Chief Secretary
Govt. of NCT of Delhi
Delhi Secretariat,
Inderprastha Estate
New Delhi
3. Director of Employment
Govt. of NCT of Delhi
Directorate of Employment
2 Battery Lane
Delhi
4. The Director
Directorate of Family Welfare
Govt. of NCT of Delhi
Malka Ganj
Delhi
5. The Secretary
Planning
Govt. of NCT of Delhi
Delhi Secretariat
Delhi
6. The Director
Vigilance Department
Govt. of NCT of Delhi
Delhi Secretariat, Delhi
7. Shri D.S.Pandit
IO, Jt. Director
Delhi Administration
C/o Chief Secretary
Govt. of NCT of Delhi
New Delhi

..Respondents .

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0 R D E R (ORAL)

By Hon'ble Shri S.A.I. Rizvi, AM:

Heard the learned counsel appearing on behalf of the applicant.

2) While working as Research Officer in the Directorate of Employment, the applicant had occasion to file a criminal complaint under Section 7 (1) of the Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959 in the matter of non-notification of vacancies in the posts of Assistant Teachers, TGT etc. by the management of a certain aided school. While the aforesaid complaint was still pending in the court of law, the applicant was transferred to the Director General of Health Services in January, 1993. Being the complainant in the aforesaid case, the applicant appeared in the court and deposed in the matter. In result, the management of the aforesaid school complained against, was let off and instead the applicant was proceeded against by the Court of Metropolitan Magistrate who lodged a formal written complaint against the conduct of the applicant with the Director (Employment) in the Directorate of Employment, Delhi Administration by his letter dated 11.8.1994. The applicant was accordingly proceeded against departmentally and a penalty of stoppage of three increments with cumulative effect was imposed on him and the same was upheld by the appellate authority as well. The disciplinary authority's order is dated 4.12.1995 (Annexure A-3) and appellate authority's order is dated 14.10.1999 (Annexure A-4). The orders passed by the Metropolitan Magistrate were taken in criminal revision before the

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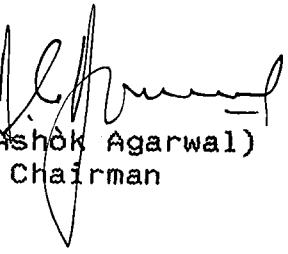
Additional Session Judge who has acquitted the applicant by his order dated 29.1.2000. The applicant wishes the matter to be reconsidered by the respondent-authority in the light thereof.

3) After the applicant was exonerated by the Court of Additional Session Judge, he has filed a review petition before the Lt. Governor, Govt. of NCT of Delhi on 10.7.2000 (Annexure A-15). The same is pending consideration with the Lt. Governor. In the aforesated circumstances of this case and having regard to the submissions made by the learned counsel, we find it proper and in the interest of justice to dispose of the present OA at this very stage even without issuing notices by directing the Lt. Governor to consider the aforesaid representation and pass a reasoned and a speaking order thereon as expeditiously as possible and in any event within a period of one month from the date of receipt of a copy of this order. We also direct the respondent No.1 to consider the pleadings contained in the present OA in addition to the aforesaid representation while deciding the matter. We direct accordingly.

4) The present OA is disposed of in the aforesated terms. No costs.


(S.A.T. Rizvi)
Member (A)

/sunil/


(Ashok Agarwal)
Chairman