

Central Administrative Tribunal, Principal Bench

(3)

Original Application No.549 of 2001

New Delhi, this the 16th day of July, 2001

Hon'ble Mr.Justice Ashok Agarwal,Chairman  
Hon'ble Mr. V.K.Majotra,Member(A)

Shri Devraj Dhawan,  
R/o 5/42, Patel Gali  
Vishwa Nagar,  
Delhi-32

- Applicant -

(By Advocate: Shri Vijay Sharma,proxy for Shri G.D.Sharma)

Versus

1.Chief Secretary  
Govt. of N.C.T. of Delhi  
5,Sham Nath Marg,  
Delhi-54

2.Principal Secretary(Education)  
Govt. of N.C.T. of Delhi  
5,Sham Nath Marg  
Delhi-54

3.Director of Education  
Govt. of N.C.T. of Delhi  
Old Secretariat,  
Delhi-54

4.Dy.Director of Education  
Disstt. South West  
C-4,Vasant Vihar  
New Delhi

- Respondents -

(By Advocate - Mrs.Meera Chhibber)

O R D E R (ORAL)

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

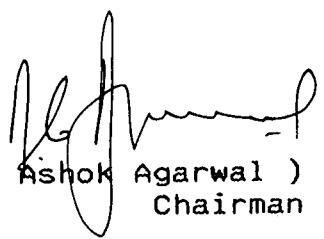
Mrs.Meera Chhibber,learned counsel of the respondents stated that on acquittal of the applicant in a criminal case, his suspension was revoked. The disciplinary proceedings against him were dropped by order dated 24.4.2000, copy whereof was supplied to the applicant through his counsel. She further stated that the period of suspension of the applicant has been treated as "spent on duty" and pay and allowances relating to the period have been directed to be released to the applicant.

2. Learned counsel of the applicant stated that although the disciplinary proceedings have been dropped, the benefit of seniority and promotion have yet to be accorded to the applicant.

3. In our view, the applicant has been provided a substantial relief claimed by him. As respects seniority, promotion etc., he has not impleaded the concerned Principal Secretary of the Services Department who is the cadre controlling authority of the applicant. Substantial relief having already been accorded, in our view, the OA does not survive and <sup>is b</sup> disposed of accordingly. However, applicant will have the liberty to institute a fresh OA relating to his claim for seniority and promotion, impleading the appropriate authorities. No order as to costs.

  
( V.K. Majotra )

Member(A)

  
( Ashok Agarwal )  
Chairman

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