

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

OA 1087/1999

New Delhi this the 6th day of July, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Radhey Shyam Sethi,
Retd. Executive Engineer
CPWD, New Delhi
R/O 13-A/8, Ground Floor,
Rajinder Nagar, New Delhi-60

.. Applicant

(By Advocate Shri B.S. Oberoi)

Versus

Union of India through

1. Secretary, Ministry of Urban Development, Nirman Bhawan, New Delhi.
2. Director General (Works), C.P.W.D. Nirman Bhawan, New Delhi.
3. Executive Engineer Madhopur Central Division, CPWD, Madhopur, Punjab.

.. Respondents

(By Advocate Shri V.S.R. Krishna)

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Member (J))

Both the learned counsel heard. I have also seen the pleadings with regard to the relief claimed by the applicant. The claim is ~~for~~ for reimbursement of the amounts which the applicant states has been incurred by him in defending his case before the Criminal Court in a Criminal case in which finally, according to him, he has been exonerated. Shri B.S. Oberoi, learned counsel for the applicant further submits that the case in which the applicant had to defend his action was with regard to his official duties and not his private matter. This is ^a question of fact which the competent authority ^{is} to consider. The applicant has impugned the O.M. dated 14.8.98 in which his claims have been rejected for reimbursement of the legally expenses he has incurred, on the ground that the proceedings have been started by ^{the} private parties. Learned counsel has submitted that this shows that the competent authority in the respondents' office has not

considered the case of the applicant in terms of the relevant orders issued by the Govt. of India, M.H.A. dated 8.1.1959 read with the subsequent order issued in 1976 (Appendix I of Swamy's Compilation of CCS (Conduct) Rules, 1964 page 124). 19

2. In the above facts and circumstances of the case, the OA is disposed of with a direction to the respondents to take further steps in compliance with the aforesaid MHA OM issued in 1959 read with OM dated 1976 and take appropriate decision, in consultation with the concerned departments within three months from the date of receipt of a copy of this order with intimation to the applicant. No order as to costs.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member (J)