

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No. 348 of 1998

New Delhi, dated this the 13th August, 1998

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Shri J.B. Sharma,
S/o Shri Net Ram,
Upper Division Clerk,
Din Dayal Upadhyay Hospital, Hari Nagar,
New Delhi.
R/o WZ-537, Palam Village,
New Delhi. APPLICANT

(By Advocate: Ms. Anita Singh)

Versus

1. Lt. Governor,
Govt. of NCT Delhi
Through Chief Secretary,
Delhi Administration,
Delhi.
2. Secretary (Services),
Govt. of NCT of Delhi,
Services II Dept.,
5, Sham Nath Marg, Delhi.
3. Medical Superintendent,
Din Dayal Upadhyaya Hospital,
Hari Nagar, New Delhi. RESPONDENTS

(None appeared).

ORDER (Oral)

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Applicant prays for direction to relieve him with immediate effect to join his duties as Grade II DASS in Food and Supply Dept. or alternatively he may be given Grade II DASS (Rs.1400-2300) in the Office of the R-3 w.e.f. 3.10.97.

2. Ms. Anita Singh appeared for applicant and had been heard. None appeared for respondents. Ms. Singh has also filed written arguments which are taken on record.

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3. Respondents in their reply have stated that applicant was not relieved to join his assignment in Grade II DASS vide order dated 3.10.97 (Ann. A) because he failed to complete his Cash Book work inspite of numerous Memos issued by the Hospital authorities, and ultimately he had been charge sheeted on various counts vide Charge Sheet dated 23.6.98 (Ann. R-1).

4. In the rejoinder as well as in the written submissions it has been contended that the Charge Sheet dated 23.6.98 relates to certain irregularities alleged to have been committed w.e.f. October, 1992 with which applicant has no concern, and applicant has duly replied to the Charge Sheet.

5. Whether or not applicant was responsible for the misconduct alleged in the Charge Sheet can be conclusively determined only in the course of enquiry which respondents are called upon to conclude as expeditiously as possible and in which applicant should also fully cooperate.

6. In view of the Charge Sheet served on the applicant, respondents cannot be said to have acted, illegally, arbitrarily or in violation of Article 14 and 16 of the Constitution in not relieving applicant to join Grade II of DASS

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pursuant to orders dated 3.10.97, and under the
circumstances, no interference is warranted in
this case. The O.A. is dismissed. No costs.

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(S.R. ADIGE)
VICE CHAIRMAN (A)

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