CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA-1366/96

HON'BLE MR. JUSTICE CHETTUR SANKARAN NAIR, CHAIRMAN
HON'BLE MR. S.P. BISWAS, MEMBER(A)

New Delhi this the 13th day of November, 1996.

Sh. K.D. Singh,
S/o Sh. K.K. Singh,
R/o G.I. Wing N.D.M.C. Flats,
Veterinary Hospital Complex,
Moti Bagh I,
New Delhi. ...Applicant

(Through Sh. D.D. Thakur, Senior Advocate with Mrs. Meera Chhibber and Sh. N.N. Bhatt, Advocates)

Versus

1. Union of India
through Lt. Governor of Delhi,
Raj Niwas,
Govt. of N.C.T. of Delhi,
Delhi.

2. Ministry of Home Affairs,
through its Secretary,
Government of India,
New Delhi.

(Through Advocate Sh. Raj Singh)

3. Sh. Baleshwar Rai,
Chairman,
New Delhi Municipal Council,
Palika Kendra,
Parliament Street,
New Delhi.

4. New Delhi Municipal Council,
through its Chairman,
Palika Kendra,
Parliament Street,
New Delhi. ...Respondents

(Through Advocates Sh. G.D. Gupta and Sh. R.P. Gupta)

The application having been heard on 13.11.1996, the Tribunal on the same day delivered the following:

ORDER

Chettur Sankaran Nair(J), Chairman

Applicant, a member of the Indian Police Service deputed as Director of Vigilance to the New Delhi Municipal Council (hereinafter called 'Council') challenges Annexures P-1, P-2 and P-3 by which his deputation was terminated.

(9)

2. Applicant would submit that 4th respondent became hostile to applicant on his pointing out the irregularities in the Director of Taxes, concurrently holding charge of Chief Vigilance Officer. He submits that he pointed out this aspect, as such a situation was not contemplated by the orders of the Government of India and the Chief Vigilance Commission. Correspondence ensued between the parties. To cut a long story short, applicant was asked to relinquish charge of the office of the Director Vigilance. This casts a stigma on him and this order is brought about by patent malafides on the part of 4th respondent, submits applicant.

3. Having heard counsel of all sides, we think it unnecessary to go into the merits of the matter. Third respondent who is alleged to have engineered these events during his Chairmanship no longer holds office. Learned Senior counsel appearing for applicant submitted that his client has full faith in the impartial judgement of the present Chairman of the Council and of the Lieutenant Governor. He submits that his client will be fully satisfied if the Lieutenant Governor takes a decision in the matter with reference to his representation Annexure P dated 24.6.96. We consider this to be a reasonable course. The Lieutenant Governor of Delhi will obtain a report from the present Chairman of the Council, examine the records and pass such orders as he considers just and proper in the circumstances of the case. We are also confident like counsel for applicant that the Lieutenant Governor will bring objectivity and fairness into judgement.

4. The only question which survives for consideration relates to the interpretation of an interim order passed by this Tribunal, on 28.6.96. A direction was issued to maintain status quo.

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According to counsel for respondents applicant had been relieved even on 27.6.96 and he could not be retained in the service of Council. We do not propose to go into disputed questions of fact and adjudicate thereon. A decision on the representation will be taken within 15 days from today and communicated to applicant. As to how the period between the impugned order and the order to be passed by the Lieutenant Governor is to be treated, will be decided by the competent authority in due course. We make it clear that we have not pronounced as to what the status quo was as on 28.6.96, as that will have to be decided in the first instance by the competent authority, nor do we express any opinion on the question whether applicant has been relieved. We only notice that he has not submitted a report of relinquishment. The application is disposed of as aforesaid. No costs.

Dated the 13th day of November, 1996.

S.P. BISWAS
Member(A)

CHETTUR SANKARAN NAIR(J)
Chairman

'Sanju'