

Central Administrative Tribunal
Principal Bench: New Delhi

O.A. 381/96

New Delhi this the 28th day of April 1997

Hon'ble Shri S.R.Adige, Member(A)
Hon'ble Dr. A.Vedavalli, Member(J)

Shri Paras Ram
Son of Late Shri Basdi Ram
D-1/82, Mahabir Enclave,
Palam Village,
New Delhi.
(By Advocate: None)

.....Applicant

Versus

1. Govt of NCT of Delhi
Rastriya Rajdhani Kasheter
Delhi Government
Service through Secretary Education
Old Sectt, Delhi.
2. Director Education,
Education Directorate,
Old Sectt, Delhi.
3. Deputy Director Education
West Moti Naagar
Delhi.
(By Advocate: Shri Rajinder Pandita)

.....Respondents

ORDER(Oral)

By Hon'ble Shri S.R.Adige, Member(A)

Applicant seeks a direction to the respondents to pay him the difference in Salary from 3.9.1984 to 31.3.1985 together with pension, gratuity, commutation etc. w.e.f. 1.4.1985 with interest on the arrears.

2. Impugning his dismissal order and the appellate order rejecting his appeal, the applicant filed an earlier OA which was disposed of by a judgement dated 22.1.92 whereby the dismissal order and appellate order were quashed, and a liberty was given to the Disciplinary

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Authority for taking up the enquiry from the stage of the supply of the enquiry report to the applicant. The applicant thereafter filed an RA 373/92 which was disposed of by an order dated 28.1.93 whereby the order dated 22.1.92 was partially modified and respondents were directed to serve a show cause notice on the applicant as to why the disciplinary authority intended to differ from the findings of the Enquiry Officer.

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3. The prayer of the applicant that he ~~was~~ ^{should} be treated as if he continued in service was rejected, as it was pointed out that the applicant was now much more 65 years of service and there was no question of continuing his service. Retiral benefits sought by the applicants were also rejected as the same was not the subject matter of the RA. It was observed that the applicant may file an appropriate petition separately in this regard.

4. We are informed that the applicant there upon filed Contempt Petition No. 174/92, seeking salary, gratuity, provident fund, pension, arrears etc. Thereafter applicant filed MA No. 2070/92 seeking clarification of judgement dated 22.1.92 in OA 899/86 and a direction to respondents to pay him salary from 3.9.1984 to 31.3.1985 i.e. date of applicant's superannuation. On the CP a direction was issued that the same be listed after disposal of MA 2070/92.

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5. That MA was dismissed by order dated 22.11.92 whereby it was held that the judgement dated 22.1.92 was quite clear in its language and required no clarification.

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6. None has appeared for the applicant even on the second call. Shri Rajinder Pandita appears for the respondents and has been heard.

7. On a previous occasion it appears that a doubt has been raised whether the applicant had received a copy of the show cause notice dated 13.6.94, sent to the applicant, pursuant to the order dated 28.1.93. Shri Pandita had shown to us ^{the} file from which it appears that the applicant had received a copy of the show cause notice.

8. Under the circumstances, we note that after service of the show cause notice on the applicant respondents have issued the order dated 22.5.96. We further note that the reasons whereby the disciplinary authority disagreed with the Enquiry Officer has also been mentioned in the show cause notice. We are informed that the applicant has not challenged the final order of the dismissal dated 22.5.96.

9. It is well settled that the applicant must in the first instance exhaust the departmental remedies available to him in accordance with Section-20

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AT Act before approaching the Tribunal. Under the circumstances no intervention in this OA is called for at this stage.

10. In case the applicant is aggrieved by the respondent's order dated 22.5.96 it is open to him to challenge the same through appropriate proceedings in accordance with law.

11. With the above opportunity given to the applicant this O.A. stands disposed of accordingly. No costs.

A. Vedavalli

(Dr. A. Vedavalli)
Member (J)

S.R. Adige

(S.R. Adige)
Member (A)

cc

Later applicant's counsel Shri O.P.Sood appeared after the above order had been dictated in the open court.

A. Vedavalli

(DR. A. VEDAVALLI)
Member (J)

S.R. Adige

(S.R. ADIGE)
Member (A)