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Central Administrative Tribunal
Principal Bench

O.A.No.2311/97

Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 1st day of October, 1997

Ajay Kumar
s/o Shri Pooran Singh
r/o Jharera Village
Delhi Cantt. H. No.T/71
New Delhi - 10.

... Applicant

(By Shri U.Srivastava, Advocate)

Vs.

1. The Secretary
National Capital Territory of Delhi
5, Shamnath Marg
New Delhi.
2. The Director
Department Directorate/CPWD
Nirman Bhawan
New Delhi.
3. The Superintendent Engineer
PWD, Circle No.V(GNCTD)
4th Floor, M.S.O.Building
New Delhi.
4. The Executive Engineer
PWD VII (NCT)
New Delhi.

... Respondents

O R D E R (Oral)

Heard the application on admission.

2. The applicant submits that he was engaged by the respondents on muster roll passes w.e.f. 5.12.1985 at PWD Office, Mahipal Pur, New Delhi. He continued on that basis till 1991 when he was arrested in a criminal case. Thereafter, a show cause notice was issued by the respondents on 25.5.1991 asking as to why legal action should not be taken against him as he remained under arrest for more than 48 hours. A reply to the show cause notice was also submitted on 29.5.1991. However, he was verbally told that he has been suspended from his services on account of the Criminal trial and he will be restored on his services when he is acquitted of the criminal charges. Now the applicant has been acquitted of the criminal charges vide

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Metropolitan Magistrate's order dated 18.11.1995. Therefore, he sent a representation to the respondents intimating the acquittal from the criminal trial with a request for his re-engagement. However, no action has been taken by the respondents on that representation. It is aggrieved by the in-action of the respondents that he has now filed this application before this Tribunal seeking the aforesaid directions. Learned counsel for the applicant draws my attention to a letter dated 4.6.1997, A-1 from the office of Superintending Engineer, PWD, Circle No.V. He says that the matter regarding re-engagement of the applicant has been referred to the competent authority and is under consideration with the Deputy Director of Administration, CPWD, Nirman Bhavan, New Delhi. The learned counsel for the applicant submits that despite the lapse of four months, no decision has so far come.

3. Having heard the counsel and having gone through the OA, I do not consider that it is necessary to admit the application at this stage and the same is disposed of with a direction to Respondent No.2, i.e, Director of Administration, CPWD, Nirman Bhawan, New Delhi to take a final decision on the aforesaid representation of the applicant within a period of three months from the date of receipt of a certified copy of this order and intimate the same to the applicant with a reasoned and speaking order.

OA is disposed of as above.


(R.K. AHUJA)
MEMBER(A)

/rao/