

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2847/1997

New Delhi, this 19th day of May, 1998

Hon'ble Shri T.N.Bhat, Member(J)  
Hon'ble Shri S.P. Biswas, Member(A)

Shri Om Kumar  
s/o Ram Kishan  
1138, Gulabi Bagh, Delhi-7 .. Applicant

(By Shri D.P. Avinashi)

Versus

Govt. of NCT of Delhi, through

1. Chief Secretary  
5, Shamnath Marg, Delhi-54
2. Secretary  
Deptt. of Home Affairs  
5, Shamnath Marg, Delhi-54
3. Inspector General of Prisoner(Delhi)  
Near Lajwanti Garden Chowk  
Janakpuri, New Delhi .. Respondents

(By Shri Ajesh Luthra, proxy for Ms.J. Kaushik)

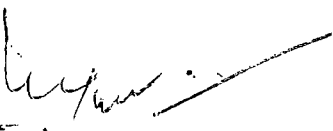
ORDER(oral)

Hon'ble Shri T.N. Bhat

We have heard the learned counsel for the parties for disposal of the OA at the admission stage itself, as the pleadings are already complete. We have <sup>also</sup> perused the material available on record.

2. The applicant, who was working as Driver in the Department of Prisons, Govt. of NCT of Delhi, was removed from service by the impugned order dated 23.8.94. Aggrieved by the said order, applicant has come to the Tribunal seeking the relief of his reinstatement and other consequential benefits.

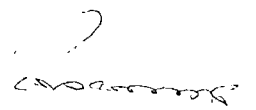
3. In the OA the applicant has stated that he had submitted an appeal but the same has not yet been disposed of. However, in the reply the respondents have




(7)

taken the plea that the appeal has already been decided by the order of the Chief Secretary who has directed reinstatement of the applicant in service. Although respondents are taking the plea that since the impugned order was an order of termination simplicitor, yet, admittedly, the appeal filed by the applicant was allowed by the Chief Secretary, who is the competent authority. They further submit that the order of the Chief Secretary will be complied with, which could not be done earlier due to some administrative difficulties.

4. In view of the above, this OA is allowed and the respondents are directed to reinstate the applicant within <sup>one</sup> month from the date of receipt of a copy of this order. Needless to say that the applicant shall also be entitled to consequential benefits like pay and allowances commencing from the date the applicant was acquitted in the criminal case, which shall also be done within the aforesaid period. With this order the OA is disposed of, leaving the parties to bear their own costs.

  
(S.P. Biswas)  
Member(A)

  
(T.N. Bhat)  
Member(J)

/gtv/