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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No.566/2000

New Delhi, this the 9th day of March, 2001

HON'BLE MR.SHANKER RAJU, MEMBER(JUDL)

1. Sham Chand S/o Late Shri Sube Chand  
R/o RU-42 MIG Flats, Pitamapura  
New Delhi-110034.

-APPLICANT

(By Advocate: Dr. K.S. Chauhan)

Versus

1. Government of N.C.T. of Delhi  
through its Chief Secretary,  
5, Sham Nath Marg  
Delhi-110054.
2. Principal Secretary, (Services)  
Govt. of N.C.T. of Delhi  
5, Sham Nath Marg  
Delhi-110054.
3. Director Vigilance,  
Govt. of N.C.T. of Delhi  
Old Secretariate  
Delhi-110054.

-RESPONDENTS

(By Advocate: Mrs. Meera Chhibber)

O R D E R(ORAL)

By Hon'ble Mr.Shanker Raju, Member(Judl)

The applicant working as a Sub Registrar with the respondents has challenged an order dated 8.5.97 where on contemplation of a disciplinary proceedings under Rule 14 of CCS (CCA) Rules, 1996, the applicant was placed under suspension. It has been further transpired that during the currency of this suspension, the applicant was allegedly involved and implicated in two criminal cases vide FIR No. 14/1997 under sections 7, 8 and 13 of the Prevention of Corruption Act 1988 as well as, FIR 19/97 under section 13(i)(a) of the Prevention and Corruption Act 1988. At the outset, it has been stated by the learned counsel of the applicant Dr. K.S. Chauhan that vide order dated 13.9.99 passed

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by the Special Judge the applicant was discharged from the criminal charges in FIR No.19/97. It is further stated that in FIR No.14/1997 in view of the statement made by S.I. Abhay Kumar, Anti Corruption Cell, Govt. of N.C.T. a closure report had been filed and ultimately on 2.3.2001, the Special Judge on the basis of the report of Chief Prosecutor, finding no incriminating material against the accused to brought on record, during the investigation accepted the closure report and discharged the applicant from criminal charges. It is further contended that the disciplinary proceedings is yet to be initiated and proceeded against the applicant despite expiry of almost four years.

2. On the other hand, the learned counsel of the respondents Mrs. Meera Chhibber fairly submitted that in view of the changed circumstances as the applicant had been discharged in two criminal cases, if makes a representation to the respondents the same would be considered in accordance with the law and instruction on the subject.

3. Having regard to the statement made by the learned counsel of the respondents and the fact the applicant had already been discharged in criminal cases and the fact that no major penalty chargesheet had been issued to him, I dispose of this OA by directing the applicant to file a representation for revocation of his suspension to the respondents within a period of two weeks from the date of receipt of the copy of this order, incorporating all the relevant material. The

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respondents are also directed to dispose of this representation of the applicant considering the submissions made by the applicant therein within a period of four weeks from the date of receipt of a copy of the representation by passing a detailed and reasoned order in accordance with rules and instructions on the subject. No costs.

S. Raju  
(Shaker Raju)  
Member(J)

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