

(5)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

O.A.NO. 1203/89

New Delhi this 22nd Day of March 1994

The Hon'ble Mr. J.P. Sharma, Member (J)

The Hon'ble Mr. B.K. Singh, Member (A)

Shri Kishan Lal,  
Son of Shri Tara Chand Dua,  
R/o House No. 461 Jawahar Nagar,  
District Rohtak,  
Haryana.

... Applicant

(By Advocate Shri B.S. Charya)

Versus

1. Delhi Administration,  
5, Alipur Road,  
Delhi through its  
Chief Secretary.

2. The Deputy Commissioner (Revenue),  
Revenue Vigilance Branch,  
Delhi.

... Respondents

(Ms. Rasmi Chhabra Proxy counsel  
for Mrs. Avnish Ahlawat)

ORDER (Oral)

Hon'ble Mr. J.P. Sharma, Member (J)

The applicant was serving as Patwari in the Office of the Deputy Commissioner (Revenue) the then Delhi Administration now known as Government of National Capital Territory of Delhi. He was involved in a case under Section 161 IPC and Section 5(2) of Prevention of Corruption Act ~~Act~~. He was convicted by the Criminal Court by the order dated 21.10.1987 imposing a fine of Rs.500/- and sentencing him to imprisonment for a term of six months ~~or~~ RI. The department also initiated proceedings under the provisions of Rule 19(i) of the CCS (CCA) Rules 1965 and the Disciplinary Authority by the order dated 30.12.1988 passed the impugned order of

de

dismissal from service. The applicant filed the present application on 7.6.1989 without preferring statutory appeal against the aforesaid order dated 9.6.1989. The application was admitted and was given liberty to file an appeal against the impugned order dated 30.12.1988. The relief prayed by the applicant in this application is for quashing the impugned order of dismissal dated 30.12.1988 with the further direction to reinstate the applicant in service. The applicant has also prayed that the respondents be directed to wait for the decision of the Criminal appeal preferred against his conviction to the High Court of Delhi on 4.11.1987.

2. A notice was issued to the respondents who contested the application on various grounds. It is stated in the reply that applicant had made a representation which is pending before the Lt. Governor. It is further stated that till the conviction of the applicant by the Criminal Court by its judgement dated 21.10.1986 is not <sup>rebaside</sup> satisfied, the applicant cannot get any relief.

3. We have heard the learned counsel for the applicant and also perused the rejoinder filed by the applicant where he has also stated that he has preferred an appeal against the impugned order dated 30.12.1988.


4. The first contention of the learned counsel is that the applicant <sup>was</sup> is not being given any opportunity or show cause notice before passing the impugned order.

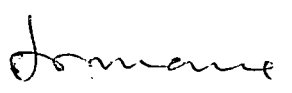
5. The learned counsel at the close of his arguments has given the statement that since the respondents have taken a stand that the representation of the applicant filed before the Lt. Governor is still under consideration

le  
le  
le

then a direction be issued to the respondents to dispose of the representation if not already disposed of. In view of this fact we are not going to the facts of the rival contention raised by the counsel. The learned counsel for the respondents states that the record of the enquiry have not been brought by the departmental representative and she cannot give any affirmative statement whether the representation has since been disposed of by the Lt. Governor or not? Here it may be recalled that <sup>the Tribunal</sup> by the order dated 19.6.1989 the applicant was given opportunity to file an appeal though by that time the limitation for filing the appeal has already ~~been~~ expired.

6. In view of the facts and circumstances the application is dismissed as not pressed at this stage with the opportunity to the applicant to assail any order passed by the Lt. Governor or by the competent authority on the appeal filed by the applicant as the necessity arises, if so advised, expeditiously, according to law. Costs on parties.

  
 (B.K. Singh)  
 Member (A)

  
 (J.P. Sharma)  
 Member (J)

\*Mittal\*