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Central Administrative Tribunal
Principal Bench, New Delhi.

OA-884/89

New Delhi this the 5th Day of May, 1994.

Hon'ble Mr. B.N. Dhoundiyal, Member(A)
Hon'ble Ms. Lakshmi Swaminathan, Member(J)

Sh. Maha Singh,
S/o Sh. Mukhtiar Singh,
R/o Vill. & P.O. Karala,
Delhi-110 061.

Applicant

(Applicant in person)

versus

1. Union of India,
through the Secretary,
Ministry of Agriculture,
(Deptt. of Agriculture & Cooperation),
Krishi Bhavan,
New Delhi-110 001.

2. The Chairman,
Delhi Milk Scheme,
West Patel Nagar,
New Delhi-110 008.

Respondents

(By advocate Sh. V.S.R. Krishna)

ORDER (ORAL)

delivered by Hon'ble Mr. B.N. Dhoundiyal, Member(A)

The applicant Sh. Maha Singh was working as Heavy Vehicle Driver in the Delhi Milk Scheme. He earlier came to this Tribunal in OA-1140/87 decided on 25.9.1989. In that O.A., he had challenged an order dated 24.7.1987 issued by the Ministry of Agriculture, in response to his review petition under Rule 29 of the Central Civil Services (Classification, Control & Appeal) Rules, 1965. He had challenged an earlier order dated 11.12.1982 by which the penalty of termination of service has been imposed. His contention that this was not a prescribed penalty in the CCS(CCA) Rules and, therefore, an order imposing

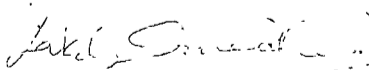
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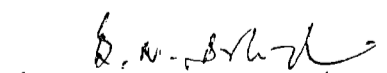
the penalty of termination of service was invalid, was upheld and direction was issued to the Disciplinary Authority to hold a fresh enquiry into the charges in respect of ^{which} the earlier invalid order of 11.12.1982 had been issued. The applicant had contended that the earlier order of penalty having been quashed, no fresh enquiry should have been ordered against him. This contention was not accepted by the Tribunal and the O.A. was dismissed. During the pendency of the above O.A., the applicant had filed a miscellaneous application requesting for directions to the respondents to give him pay and allowances on account of arrears from the date of illegal order of termination dated 11.12.1982 till the date of reinstatement i.e. 28.5.1987. The Tribunal had observed that this was a fresh issue and could be raised in a separate application, hence this O.A.

Fresh enquiry against the applicant has since been finalised and in the order dated 1.6.1990, the Disciplinary Authority has imposed a penalty of Compulsory retirement. His period of absence from duty from 10.4.1981 to 27.8.1987 has been treated as dies non. The applicant states that he had already submitted an appeal against this order.

In view of this development, the present O.A. has become infructuous. The applicant shall be free to challenge any order, passed on his appeal, by the authority, in accordance with law.

No costs.


(L. SWAMINATHAN)
MEMBER (J)


(B.N. DHOUNDIYAL)
MEMBER (A)

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