

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.1497/2020 **AND** O.A. No.3357/2018

This the 9th day of October, 2020

Through video conferencing

**Hon'ble Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd.Jamshed, Member (A)**

OA No.1497/2020

Gaj Raj Singh, Driver, B.No.25350, DWS-2D
Group 'C', Aged about 48 years
S/o Brahm Singh, R/o Village Jhuljhuli
P.O. Ghuman Hera
New Delhi-110073.

...Applicant

(Mr. Anil Mittal, learned counsel for the applicant)

Versus

Delhi Transport Corporation
I.P. Estate, New Delhi-110001
(through Chairman-Cum-Managing Director)

..Respondent

(Mr. Ajesh Luthra, Ms. Kiran and Mr. Manish Garg, learned counsel on behalf of respondent)

OA No.3357/2018

1. Sukhbir, Driver, SPD, B.No.25227
Group 'C', Aged about 36 years
S/o Kartar Singh, 58/13, Surya Kunj
Jhrauda, Nazafgarh Road, Delhi-110043.

2. Gaj Raj Singh Driver, B. No.25350, DWS-2D,
Group 'C', Aged about 36 years
S/o Brahm Singh, R/o Village Jhuljhuli
P.O. Ghuman Hera
New Delhi-110073.

...Applicants

(Mr. Anil Mittal, learned counsel for the applicants)

Versus

Delhi Transport Corporation
I.P. Estate, New Delhi-110001
(through Chairman-Cum-Managing Director)

..Respondent

(Mr. Ajesh Luthra, Ms. Kiran and Mr. Manish Garg, learned counsel on behalf of respondent)

ORDER (ORAL)**Mr. Justice L. Narasimha Reddy:****ORDER (Oral)****Justice L.Narasimha Reddy, Chairman**

The applicant in OA.1497/2020 was employed as Driver in the respondents' department. Disciplinary proceedings were initiated against him by issuing a charge memo dated 02.08.2018. The allegation was that the applicant was not medically fit for appointment. The applicant filed this OA challenging the order dated 02.08.2018. Since no interim order was passed in the OA, the inquiry was proceeded with and the Inquiry Officer submitted his report, holding the charge against the applicant as proved. Taking the same into account, the respondents issued memo dated 15.09.2020 proposing to impose the punishment of removal from service. OA 3357/2018 is filed against the charge memo dated 15.09.2020.

2. The applicant contends that the very initiation of the disciplinary proceedings against him was untenable in as much as no acts of fraud or misrepresentation were alleged against him. It is also stated that the alleged acts do not fit into any of the acts of misconduct defined under the concerned rules.

3. There is another applicant in OA.3357/2018 by name Sukhbir. He has challenged the charge memo but did not challenge the show cause notice proposing the punishment. It is obviously, on account of the fact that the order of punishment of removal from service was passed against the applicant in OA.1497/2020 i.e. Gaj Raj Singh on 01.10.2020 and similar order was passed against Sukhbir on 12.06.2020.

4. We heard Sh.Anil Mittal, learned counsel for the applicants and Sh.Ajesh Luthra, Ms.Kiran and Mr.Manish Garg, learned counsel for the respondents.

5. The necessity for us to deal with the matter in detail is obviated on account of the development which has taken place after the OAs were filed. The disciplinary authority passed orders

dated 01.10.2020 and 12.06.2020 respectively, removing the applicants from service. Therefore, the question of examining the validity of the charge memo or for that matter, the show cause notice proposing to impose the punishment, does not arise.

6. Therefore the OAs are dismissed. It is left open to the applicants to pursue the remedies against the order of removal dated 01.10.2020 and 12.06.2020. There shall be no order as to costs.

(Mohd.Jamshed)
Member (Admn.)

(Justice L.Narasimha Reddy)
Chairman

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