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Central Administrative Tribunal, Principal Bench

Original Application No.1259 of 2004

New Delhi, this the 24th day of May, 2004

Hon'ble Mr. Justice V.S. Aggarwal, Chairman  
Hon'ble Mr. S.A. Singh, Member (A)

H.C. Jatav

S/o late Shri Ch. Hardeva Ram, aged about 68 years

R/o E-7/2, Vasant Vihar,

New Delhi-57

....Applicant

(By Advocate: Shri Sachin Chauhan)

Versus

Union of India, through

1. Its Secretary,  
Ministry of Home Affairs,  
North Block,  
New Delhi
2. Government of National Capital Territory of Delhi,  
Through the Chief Secretary,  
5, Sham Nath Marg,  
Delhi-5
3. Deputy Secretary,  
Ministry of Home Affairs,  
North Block, New Delhi
4. Union Public Service Commission  
Through the Secretary,  
Dhlopur House,  
Shahjahan Road, New Delhi-11

....Respondents

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

The applicant had earlier filed O.A.158/2001.

This Tribunal quashed the proceedings and held:

"In the above view of the matter the OA succeeds and is accordingly allowed. The impugned orders dated 15.10.1998, 07.8.2000 and 28.11.2000 are quashed and set aside. The matter is remitted to the D.A. to start the proceedings once again if so advised and felt needed, from the stage of supply of I.O.'s report. The D.A. shall in the disagreement note indicate all the points and all full facts on the basis of which, he has chosen to differ from the I.O.'s report so that applicant will have a full and proper opportunity to explain and/or defend his case effectively. Decision in the matter could be taken thereafter in accordance with law. Needless to stated that the recovery/cut in the pension

*LSAg*

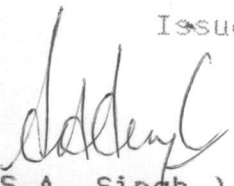
shall be stopped forthwith. We would like to add that we do not express any opinion on the merits of the issues involved. No costs."


Thereupon, admittedly a note of disagreement had been served to which the applicant has replied.

2. Learned counsel for the applicant contends that proceedings are lingering for the past 12 years and after the reply, still no decision has been taken.

3. Taking stock of these facts when rights of the respondents are not likely to be affected, it becomes unnecessary to serve a notice to show cause. It is directed that respondent no.1 would consider the reply of the applicant to the note of disagreement and take appropriate action in accordance with law preferably within four months of the receipt of the certified copy of the present order. O.A. is disposed of.

Issue DASTI.

  
( S.A. Singh )  
Member (A)

  
( V.S. Aggarwal )  
Chairman

/dkm/