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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.NO.1413/2004

New Delhi, this the 28th day of June, 2004

HON'BLE SHRI JUSTICE V.S. AGGARWAL, CHAIRMAN
HON'BLE SHRI S.A.SINGH, MEMBER (A)

Ganeshi Lal
s/o Late Shri Shibban Lal
r/o Village Garh Khera
P.O. Atali Distt. Faridabad
Haryana and T.G.T. (retired)
from Sarvodya Vidyalaya,
Noor Nagar, Okhla, New Delhi
under The Directorate of Education
N.C.T. of Delhi. ... Applicant

(By Advocate: Shri R.R. Arvind)

Versus

The Govt. of National Capital Territory
of Delhi through

1. The Lt. Governor,
N.C.T. of Delhi.
2. The Secretary, Department of Education
Govt. of N.C.T. of Delhi.
3. The Director of Education,
N.C.T. of Delhi.
4. Dy. Director of Education (South)
Defence Colony
New Delhi.
5. Dy. Commissioner of Police (Crime)
P.S. Nizamuddin
through Commissioner of Police
I.P.Estate
New Delhi. .. Respondents

O R D E R (Oral)

Justice V.S. Aggarwal:-

By virtue of the present application, the
appliant is seeking following reliefs:

- ...(I) the proposed departmental enquiry under
rule 16 CCS (CCA) rules for which a
notice was served on the applicant on
26.12.2003 i.e. after his retirement
from service on 30.9.2002 may be
quashed.



(II) The respondent may be ordered to pay the retirement benefits to the applicant i.e. pension, gratuity and leave encashment etc. that have been withheld by the respondent without assigning any reason or show cause notice to this effect together with 12% interest P.A. thereon.

(III) The salary of the applicant for the period 13.9.94 to 20.5.96 which has not been paid to him inspite of the order passed by this Hon'ble Tribunal in O.A. No.1017/01 dated 30.4.2001 wherein this was one of the relief claimed by the applicant."

2. Some of the relevant facts are that the applicant on an earlier occasion had filed O.A.1017/2001. He was impugning the respondents' memo of 19.8.99 initiating departmental proceedings under Rule 14 of CCS (CCA) Rules, 1965. This Tribunal had disposed of the said petition on 30.4.2001 with the following directions:

"3. If these assertions are correct we dispose of this O.A. at the preliminary stage itself with a direction to respondents, to dispose of applicant's aforesaid written statement of defence by a detailed, speaking and reasoned order under intimation to applicant within three months from the date of receipt of a copy of this order, before proceeding any further with the D.E. initiated against applicant.

4. While disposing of applicant's written statement of defence respondents will apply their mind to each of the contentions raised therein.


5. If thereafter any further grievance still survives it will be open to applicant, to agitate the same through original proceedings in accordance with law, if so advised.


6. The O.A. stands disposed of accordingly. Let a copy of the O.A. be annexed along with this order. No costs."



3. Learned counsel for the applicant informs us that till date no order has been passed in pursuance of the said directions of this Tribunal and his grievance is that another memo under Rule 16 of CCS (CCA) Rules has been served and meanwhile the applicant has superannuated.

4. Taking stock of these facts, it is appropriate and accordingly we direct Respondent No.2, the Secretary, Department of Education, Govt. of NCT of Delhi to consider the totality of facts and pass an appropriate speaking order within four months of the receipt of the certified copy of the present order and communicate it to the applicant. They may also consider and pass an appropriate order pertaining to retiral benefits of the applicant which are stated to have been withheld. O.A. is disposed of.


(S.A. Singh)
Member (A)


(V.S. Aggarwal)
Chairman

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