

Open Court
**CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
BENCH ALLAHABAD**

(THIS THE 28th DAY OF **MAY** 2010)

Hon'ble Mr. George Paracken, Member (J)
Hon'ble Mr. S. N. Shukla, Member (A)

Original Application No.1420 of 2005

(U/S 19, Administrative Tribunal Act, 1985)

M.S. Lal, aged about 54 years, Son of Late Mangroo R/o C/102/726, Char Pathak Road, Mohaddipur, Gorakhpur.

..... *Applicant*

By Advocate:- Shri Amit Sthalekar

Versus

1. Union of India through Secretary, Since and Technology, New Mehrauli, New Delhi-16.
2. Director General, Metrology, Mausam Bhawan, Lodhi Road, New Delhi-03.
3. Deputy Secretary to the Govt. of India, Technology Bhawan, New Mehrauli Road, New Delhi-16.
4. Deputy Director General Metrology, R.M.C. Building, Lodhi Road, New Delhi-03.
5. Dr. L.D. Agrawal, Director, Enquiry Officer, Palam Air Port, India Metrological Department, New Delhi.

..... *Respondent*

By Advocate:- Sri Saurabh Srivastava

O R D E R

(Delivered by Mr. George Paracken, Member (J))

1. The Applicant has filed this O.A. seeking following relief/s:-

"a. to issue a writ order of direction in the nature of certiorari to quash the charge sheet dated 01.06.2000 (Annexure A-4 to compilation No. 2), quash the order of disciplinary authority dated 27.10.2003(Annexure A-36 to Compilation No. I) and Appellate Order dated 13.10.2005 (Annexure A-41 to Compilation No. I)

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- b. issue a writ, order or direction in the nature of Mandamus to reinstate the petitioner in service with all consequential benefits including arrears of pay and other emoluments w.e.f. 27.10.2003.
- c. issue any suitable order which this Tribunal may deem fit."

3. The applicant was aggrieved by the disciplinary authority's order dated 27.10.2003(AnnexureA-36 to Compilation No.I) imposing upon him the penalty of removal from service under rule 11(viii) of CCS (CCA) rules 1965 and the Appellate Order dated 13.10.2005 (AnnexureA-41 Compilation No.I) dismissing his appeal holding that disciplinary authority's order of removal need not be revoked.

4. During the course of time, the respondents have filed their reply and the applicant had filed his rejoinder affidavit. Subsequently, the respondents have filed a Supplementary Affidavit on 04.05.2010 enclosing therewith order dated 29.04.2010 stating as under:-

" As per the advice of Ministry of Law and Justice, Dept. of Legal Affairs vide Note dated 19.04.2010 and in view of decision dated 16.07.2002 of Civil Court, Gorakhpur in Suit No. 5/2000 in the matter of Madhusoodan Lal Vs. State of U.P. and Ors., It has been decided by the Competent Authority to restore the services of Shri Madhusoodan Lal as Astt. Meteorologist Grade-II with immediate effect and until further orders.

Sri Madhusoodan Lal, Astt. Met.Gr.II may join duty at DGM's Office, New Delhi with immediate effect."

5. Learned counsel for the applicant has submitted that even though the respondents themselves have partially granted the

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reliefs sought in this OA but they are silent on the question of retrospective effect of reinstatement i.e. from 27.10.2003. He has also pointed out that the respondents have not decided the question of withdrawing the aforesaid impugned charge sheet dated 01.06.2000, impugned disciplinary authority's order dated 27.10.2003 and impugned Appellate order dated 13.10.2005.

6. Learned counsel for the Respondent has submitted that the aforesaid order dated 29.4.2010 has been passed independent of this Original Application and the same has been done in terms of decision dated 16.07.2002 of Civil Court, Gorakhpur.

7. Learned counsel for the applicant has fairly submitted that since the respondents have already issued the order reinstating him in service, he will make a detailed representation for withdrawing the impugned order in the disciplinary proceedings, reinstatement with retrospective effect and for payment of full backwages.

8. We have heard the counsel for the parties. In our considered view the submission made by Sri S. K. Om holding brief of Sri Amit Sthalekar, learned counsel for the applicant, is quite fair and justified. Accordingly, this O.A. is closed on the basis of the aforesaid order dated 29.4.2010 passed by the Respondents with liberty to the applicants to make a detailed representation to the respondent to quash the impugned orders passed against him in the disciplinary proceedings and for the consequential benefits such as seniority, full back wages and any other benefits which have been denied to him

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due to the initiation of disciplinary proceedings against him. If such a representation is received by the respondents, the same shall be considered and decided within a period of two months by passing a reasoned and speaking order. If he is still aggrieved, he will be at liberty to agitate the matter before this Tribunal. Accordingly this OA disposed of. No Costs.



Member-A



Member-J

/ns/