

Item No. 31



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

O.A. No./100/756/2020

This the 6th Day of April, 2021

Through Video Conferencing

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

Vivekanand Sharma (Aged about 53 years)
S/o late C.M. Sharma
SREO (Retd.)
A-130, D-II Flats, Pandara Road
New Delhi-110003.

...Applicant

(By Advocate :Mr. P. C. Mishra)

Versus

1. The Lt. Governor, Delhi
LG Secretariat
Raj Niwas Marg, Delhi-110054.
2. The Chief Secretary
Govt. of NCT of Delhi
Delhi Secretariat, IP Estate
New Delhi-110002.
3. The Secretary-cum-Director (Employment)
Govt. of NCT of Delhi
IARI Pusa, New Delhi-110012
4. The Principal Secretary (Services)
Secretariat, IP Estate
New Delhi-110002.

... Respondents

(By Advocate :Ms. Esha Mazumdar)



O R D E R (ORAL)

Justice L. Narasimha Reddy, Chairman :

The applicant joined the services of Govt. of NCT of Delhi as Inspector Sales Tax in the year 1988. He was promoted to the post of Superintendent in the year 1996 and thereafter as adhoc DANICS in the year 2007. He held various posts, such as Superintendent, Sub-Divisional Magistrate (SDM), VAT Officer and Employment Officer. He was placed under suspension through order dated 17.06.2009, since he was in judicial custody for three days, in connection with a criminal case. The suspension was revoked on 16.12.2010. Thereafter, he was issued a charge-sheet in the criminal case on 17.04.2014 and charges were framed. Disciplinary proceedings were also initiated against him, and they are pending.

2. The competent authority passed an order dated 31.10.2019, retiring the applicant on compulsory basis invoking Rule 56(j) and Rule 48 of CCS (Pension) Rules, 1972, on completion of 50 years of age. The applicant filed a representation/review dated 19.10.2019 against the said order to the Lt.Governor. When the same was pending, he filed this O.A. challenging the compulsory retirement order dated 31.10.2019.

3. On their part, the respondents filed a detailed counter affidavit to justify their action.

Item No. 31



4. Today, we heard Mr. P.C. Mishra, learned counsel for the applicant and Ms. EshaMazumdar, learned counsel for the respondents.

5. We would have certainly gone into the merits of the case, but for the fact that a review sought by the applicant is still pending. The Reviewing Authority would be in a position to take the relevant facts into account and grant the relief, depending upon their satisfaction or otherwise.

6. We, therefore, dispose of the O.A., directing the authority, before which the review of the applicant is pending, to pass appropriate orders thereon, within four weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

(Pradeep Kumar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/sd/jyoti/mbt/ns