

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

ALLAHABAD.

CIVIL MISC. CONTEMPT APPLICATION NO.36 OF 2007.

IN

ORIGINAL APPLICATION NO. 709 OF 2002.

ALLAHABAD THIS THE 08<sup>TH</sup> DAY OF MAY 2007.

Hon'ble Dr. K.B.S Rajan, J.M

Hon'ble Mr. P.K. Chatterji, A.M

1. Vimlesh Sonkar son of Baccha Sonkar R/o 77/37, Circular Road, Allahabad.
2. Sanjeev Kumar Jaiswal, S/o Sri Satish Kumar Jaiswal, R/o 388-A, Raja Bara Ka Hata, Muthiganj, Allahabad.
3. Ramesh Chandra Prajapati son of Sri Ram Swarup Prajapati R/o 1A/5A Jairampur Partwar, Police Station Dhoomanganj, District Allahabad. Now new R/o Village Mohinddinpur Umrain, P.O Sheragarh, District Allahabad.
4. Shridhar Mishra son of Sri Ved Mani Mishra R/o 6/5A Alopibagh District Allahabad.
5. Ravi Kant Tripathi son of Sri Jairam Tripathi R/o Village Pirthvipur, P.O. Handia, District Allahabad.
6. Yashwant Kumar son of Sri Sant Lal R/o Village and P.O Hetapatti, District Allahabad.

(By Advocate: Sri S.K. Mishra/Sri L.M. Singh)

Versus.

1. Shri Narendra Singh, The Principal Accountant General Audit-1, U.P. Allahabad.
2. Sri Parvindra Yadav Senior Dy. Accountant General (Admn.), office of the Principal Accountant General, Audit-1, U.P. Allahabad.

(By Advocate: Sri A. Sthalekar)

ORDER

By Dr. K.B.S Rajan, J.M

Heard Sri S.K. Mishra, learned counsel for the applicant and Sri S.K. Pandey holding brief of Sri. A. Sthalekar, learned counsel for the respondents..

2. Vide order dated 11.2.2004, this Tribunal has passed the following orders:-

"For the reasons aforesaid, the O.As succeed and is allowed. The impugned orders are quashed. The applicants are entitled to get the consequential benefits in accordance with law. Nothing herein shall, however, preclude the appointing authority from proceeding in the matter in accordance with law. No order as to costs".



3. Appeal against this order before the Hon'ble High Court and on its dismissal, SLP by the Union of India before the Apex Court having not been successful, the respondents has passed the order:-

"Whereas Shri Vimlesh Sonkar P. NO.05/6471 Designation Auditor was removed from service with effect from 27.1.2003 on the ground of conduct unbecoming of a government servant as he failed to maintain absolute integrity in terms of Rules 3 (I) (i) and Rule 3 (I) (iii) of the Central Civil Services (Conduct) Rules, 1964.

And whereas order of removal of official was quashed by the Hon'ble CAT vide its order dated 11.2.2004 and the Hon'ble High Court in its judgment dated 19.9.2005 upheld the Tribunal order and whereas the Hon'ble Supreme Court in its judgment dated 15.2.2007 held "having regard to the fact that prima facie we are of the opinion that the respondents services could have been terminated only upon initiation of departmental proceedings, we do not intend to interfere with the impugned judgment. The special leave petition is dismissed. However, the appointing authority, it goes without saying, is entitled to initiate a fresh departmental proceeding against the first respondent".

And whereas the undersigned on a consideration of the circumstances of the case has also decided that a further inquiry should be held under the provisions of CCS (CCA) Rules, 1965, against the said Shri Vimlesh Sonkar, P. No. 05/6471 Designation Auditor on the allegations which led to his removal from service.

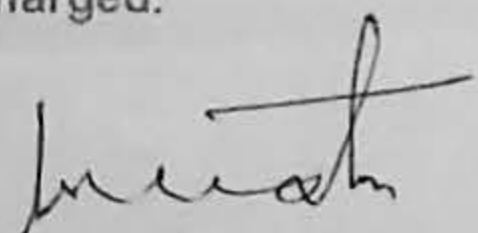
NOW THEREFORE, the undersigned hereby:-

- (i) set aside the said order of removal from service.
- (ii) Directs that a further enquiry should be held under the provisions of the CCS(CCA) Rules, 1965, against Shri Vimlesh Sonkar P. No.05/6471 Designation Auditor on the allegation which led to his removal from service:
- (iii) Directs that the said Shri Vimlesh Sonkar shall, under sub-rule (4) of Rule-10 of the CCS(CCA), Rules, 1965 be deemed to have been placed under suspension with effect from 27.01.2003, and shall continue to remain under suspension until further orders.
- (iv) Further orders that during the period that this order shall remain in force the headquarters of Shri Vimlesh Sonkar, Auditor should be Allahabad and said Shri Vimlesh Sonkar shall not leave the headquarters without obtaining the previous permission of the undersigned".

4. Learned counsel for the applicant argued that the respondents have not awarded any consequential benefits to the applicant even though they have superseded the order of removal from service. We find that this order having been passed very recently on 21.3.2007, in all expectation, respondents must be taking action to comply with the order of this Tribunal in full by granting of subsistence allowance due to the applicant. Thus, towards the compliance of the order of this Tribunal the respondents shall take

immediate action to work out the subsistence allowance to the applicant (including revision of subsistence allowance) for the period of removal from service in accordance with law within a period of eight weeks from the date of communication of the order. Liberty is given to the applicant to approach the Tribunal, in case this order is not complied with.

5. With the above direction, this C.C.P is closed and notices are discharged.



Member-A



Member-J

Manish/-