

**Central Administrative Tribunal
Principal Bench**

OA No.32/2017

New Delhi, this the 5th day of January, 2017

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Ms. Nita Chowdhury, Member (A)**

Shri A. K. Dixit, EE
S/o Shri K. N. Dixit,
R/o 29/30, East Patel Nagar,
New Delhi 110 008. ... Applicant.

(By Advocate : Shri Rajeev Sharma)

Versus

1. North Delhi Municipal Corporation
(through its Commissioner)
Dr. S. P. Mukherjee Civic Centre,
J. L. Marg,
New Delhi.
2. The Commissioner
North Delhi Municipal Corporation
Dr. S. P. Mukherjee Civic Centre,
4th Floor, J. L. Marg,
New Delhi.
3. Director (Personnel)
North Delhi Municipal Corporation
Dr. S. P. Mukherjee Civic Centre,
5th Floor, J. L. Marg,
New Delhi.
4. Union Public Service Commission (UPSC)
(through its Secretary)
Dholpur House, Shahjahan Road,
New Delhi. ... Respondents.

: O R D E R (ORAL) :

Justice Permod Kohli, Chairman :

At the outset, Shri Rajeev Sharma, learned counsel for the applicant submits that the Union Public Service Commission, i.e., respondent No.4 is not a necessary party and, therefore, the same may be deleted from the array of respondents.

2. In view of the above, respondent No.4 shall stand deleted from the array of respondents.

3. Heard.

4. Issue notice to the respondents. Shri R. N. Singh, learned counsel appears and accepts notice on behalf of respondent Nos.1 to 3.

5. The short grievance of the applicant in the present OA is that disciplinary proceedings initiated against him vide charge sheet dated 31.07.2007 have been concluded as far as completion of enquiry is concerned, and the disciplinary authority is seized of the matter. According to the averments made in the OA, the disciplinary authority decided to issue order of 'Censure' to the applicant, however, when CVC was consulted, they suggested for major penalty. The disciplinary authority on the advice of the CVC issued show cause notice to the applicant for initiating major penalty. The applicant responded to the show cause notice and the disciplinary authority is again of the opinion that only penalty of 'Censure' is to be imposed upon him. However, the disciplinary authority has again approached CVC for its advice, but till date no final decision has been taken.

6. In view of the above circumstances, without going into the merits of the controversy, we dispose of the OA at the admission stage itself with the direction to the disciplinary authority to take final decision on the enquiry report within a period of two months from the date of receipt of copy of this order, and communicate the outcome of the same to the applicant.

(Nita Chowdhury)
Member (A)

(Justice Permod Kohli)
Chairman

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