

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

C.P. No. 113/2017 In
O.A. No. 2712/2014

New Delhi this the 21st day of July, 2017

HON'BLE MR. V. AJAY KUMAR, MEMBER (J)
HON'BLE MR. SHEKHAR AGARWAL, MEMBER (A)

Jai Prakash (Rank No.4129),
Ex-Safaiwala of Safdarjang Hospital,
S/o Shri Om Prakash
Aged about 57 years
R/o H.No.E-21,
Kidwai Nagar East,
New Delhi.

.. Petitioner

(By Advocate : Shri Anil Singal)

Versus

1. Shri C.K. Mishra,
Secretary,
Ministry of Health & Family Welfare,
Nirman Bhawan, New Delhi
Including all successor(s) to
the post of Secretary, MH&FW.

2. Dr. Jagdish Prasad,
Director General Health Services,
Ministry of Health & Family Welfare,
Nirman Bhawan,
New Delhi
Including all successor(s) to
the post of DGHS, MH&FW.

3. Shri Anil K. Rai
The Medical Superintendent,
Safdarjang Hospital,
New Delhi
Including all successor(s) to
the post of MS, SJH.

.. Respondents

(By Advocate : Shri V.S.R. Krishna)

ORDER (ORAL)**By Mr. V. Ajay Kumar, Member (J)**

Heard both the sides.

2. O.A. No.2712/2014 filed by the applicant was disposed of on 07.10.2015 by this Tribunal as under:

“9. In view of the above, we set aside the order of dismissal dated 01.03.2012 as well as the order dated 10.06.2014 passed by the Appellate Authority dismissing the appeal and direct the respondents to reinstate the applicant with full back wages within a period of two months. Since it was the duty on the part of the Disciplinary Authority to verify the records of the disciplinary proceedings before passing an order of dismissal from service, relating to observance of the provisions of 1965 Rules, which has not been done in the instant case, we impose the cost of Rs.25,000/- to be paid by the Disciplinary Authority, namely, Additional DG & Medical Superintendent of Safdarjang Hospital. The said cost shall be recovered from the Disciplinary Authority and shall not be paid out of the State Exchequer. The said amount shall be credited to the Government's fund.

10. The OA is accordingly, allowed with cost as aforesaid. It is, however, open to the respondents to proceed against the applicant based on the charge memo dated 14.08.2008 from the stage of appointment of Inquiry Officer and Presenting Officer. The entire proceedings including the order to be passed by the Disciplinary Authority shall be completed within a period of six months from the date of appointment of Inquiry Officer and Presenting Officer”.

3. The Review Application No.29/2016 filed by the respondents against the aforesaid order has been disposed of as infructuous on 19.10.2016.

4. Alleging non-implementation of the aforesaid order, the applicant filed instant CP No.113/2017.

5. The respondents filed the compliance affidavit in the CP submitting that they have fully complied with the orders of this Tribunal and paid the entire amounts payable to the applicant as per the orders of this Tribunal and as per the rules.

6. The learned counsel for the applicant, while not disputing the fact that the respondents have paid the amounts payable to the applicant, however, submits that the respondents cannot deduct the amount towards income tax on the amounts paid as there was no such order by this Tribunal, while disposing of O.A.No.2712/2014.

7. It is seen that the respondents while releasing the amounts payable to the applicant have followed the law of this land and as per the Income Tax Act provisions. It cannot be objected if the respondents follow the law while complying with the orders of this Tribunal. It is not the case of the applicant that the respondents while complying with the orders of this Tribunal have violated any of the provisions of Income Tax Act or other Act.

8. In the circumstances and in view of substantial compliance of the orders of this Tribunal, the CP is closed and notices are discharged.

(SHEKHAR AGARWAL)
Member (A)

(V. AJAY KUMAR)
Member (J)

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