

**Central Administrative Tribunal
Principal Bench: New Delhi**

C.P. No.600/2016 in
OA No.3469/2013
MA No.3779/2016

This the 6th day of January, 2017

Hon'ble Mr. V.Ajay Kumar, Member (J)
Hon'ble Mr. V.N. Gaur, Member (A)

Ved Prakash Sharma
S/o Shri Ram Prakash Sharma
R/o B-7/88, Sector-17, Rohini
Delhi.

.. Petitioner

(By Advocate: Ms.Harsh Lata)

VERSUS

(1) Govt. of NCT of Delhi
Represented by its Chief Secretary
Shri M.M. Kutty, 4th Level
C-Wing, Delhi Sachivalaya
IP Estate, New Delhi-110002

.. Respondent

O R D E R(Oral)

By Hon'ble Mr.V. Ajay Kumar, Member (J): -

C.P.No.600/2016

The petitioner originally filed the OA-3469/2013 which
was disposed of vide order dated 10.04.2015 as under:-

"13. In view of the aforementioned, the OA is disposed of with direction to respondent to keep in view the law declared by the Madurai Bench of Hon'ble Madras High Court in WP (MD) No.3898/2008 and the plea of delay raised on behalf of applicant while passing the final order in the disciplinary

proceedings initiated against the applicant. It goes without saying that, in the event of survival of his grievance after the order of disciplinary authority, it would be open to applicant to work out his remedy in accordance with law. No costs."

2. The petitioner had filed CP-534/2016 in OA-3469/2013 alleging non-implementation of the aforesaid order. However, when the CP was taken up for hearing, the main grievance of the applicant was that the copy of the final punishment order which was said to have been passed after the O.A. was disposed of, was not supplied to him. The said CP was disposed of on 26.10.2016, without hearing the respondents in view of the submission of the applicant that the respondents passed a final order, with a direction to the respondents to supply a copy of final order passed against the petitioner in the disciplinary proceedings within a period of two weeks.

3. The original applicant now filed the present CP-600/2016 seeking the following reliefs:

"(a) Initiate Contempt proceedings against the Contemnor/Respondent for willfully disobeying the directions passed by the Hon'ble Tribunal in C.P. No.534/2016 vide order dated 26.10.2016 and punish them in accordance with provisions prescribed under Section 17 of the Administrative Tribunals Act, 1985 read with Section 12 of the Contempt of Courts Act, 1971."

4. It is relevant to note the submission made by the petitioner in this C.P.No.600/2016 at paras 14 to 18 which read as under:-

"14. That the petitioner vide letter dated 18.07.2016 requested the respondent to provide copy of alleged final decision/order taken by them. However, no copy of such alleged order/decision has been provided to the petitioner. A copy of letter dated 18.07.2016 is annexed herewith as Annexure P-6.

15. That on 27.07.2016 in the M.A.No.4155/2015 before this Hon'ble Bench the respondent produced copy of letter dated 05.04.2016 in which it was stated that the competent authority after considering the facts and records of the case recommended withholding of full pension permanently, but no order/decision taken by the disciplinary authority has been produced or provided to the petitioner. A copy of letter dated 05.04.2016 is annexed herewith as Annexure P-7.

16. That since forwarding of the case of the Applicant to the MHA U/Rule 9 of CCS(Pension) Rules, 1972 was a post-decision stage and the respondent has with malafide intention & deliberately did not provide to petitioner copy of final decision or order taken by them deciding penalty to be imposed. Thereafter, in the facts and circumstances of the case the petitioner has filed another M.A. bearing no.2425/2016 seeking direction against respondent to provide copy of final decision/order taken by them with respect to the disciplinary proceedings initiated against the petitioner.

17. However, vide order dated 28.09.2016 both M.As. were dismissed as withdrawn with the liberty to file the appropriate application by this Hon'ble Tribunal. A copy of order dated 28.09.2016 is annexed herewith as Annexure P-8.

18. Thereafter, petitioner has filed a petition seeking initiation of contempt proceedings against respondent/contemnor, which was disposed of by this Hon'ble Tribunal vide order dated 26.10.2016 with the direction to the Respondent/contemnor to supply the copy of final order passed against the petitioner in the disciplinary proceedings within a period of 2 weeks. True copy of order dated 26.10.2016 is annexed here with as Annexure P-9."

5. A perusal of the above paras of the present CP, with reference to Annexure P-7, dated 15.3.2016/05.04.2016 shows that the respondents only sent the files to the President, for passing orders under Rule 9 of CCS (Pension) Rules, 1972, in view of retirement of the applicant only on 15.3.2016/05.04.2016 but not passed any final order as submitted by the petitioner, when this Tribunal disposed of C.P. No.534/2016 on 26.10.2016. Considering the said wrong submission, made by the applicant himself, this Tribunal disposed of the C.P.No.534/2016 on 26.20.2016, as aforesaid. In the circumstances, and since the applicant has also filed another M.A.No.3779/2016, seeking revival of earlier C.P.No.534/2016, the present C.P.No.600/2016 is dismissed.

M.A.No.3779/2016

This MA has been filed seeking revival of the earlier CP-534/2016.

Issue notice to the respondents, returnable on 28.02.2017.

(V.N. Gaur)
Member (A)

(V. Ajay Kumar)
Member (J)

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