

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

C.P.No.325/2015 in O.A.No.4236/2012

Thursday, this the 3rd day of September 2015

**Hon'ble Mr. A.K. Bhardwaj, Member (J)
Hon'ble Mr. K.N. Shrivastava, Member (A)**

Mr. Rajesh, aged 39 years
Ex. PET
s/o late Mr. Dilbagh Singh
r/o House No.65-A
2B, Nangloi Extn.
Delhi

..Applicant

(Mr. Sachin Chauhan, Advocate)

Versus

Mrs. Punya Salia Srivastava
Secretary (Education)
Govt. of NCTD
Old Secretariat
Delhi-54

..Respondent

(Mrs. Rashi Chopra, Advocate)

O R D E R (ORAL)

Mr. A.K. Bhardwaj:

O.A. No.4236/2012 was disposed of in terms of Order dated 12.2.2015. Operative portion of the Order reads thus:-

“7. In view of the aforementioned, we dispose of the present OA with direction to appellate authority to revisit its order in the wake of the order passed by Hon'ble High Court of Delhi in criminal appeal No. 487/2011 (ibid), as expeditiously as possible preferably within four weeks from the date of receipt of a copy of this order. While doing so, the appellate authority would keep in view the aforementioned judicial pronouncements. No costs.”

2. In implementation of the Order of the Tribunal, the respondents have passed order No.DE.7/112/Misc./ADV./09/3046-51 dated 31.8.2015, which reads thus:-

“Order

Whereas Sh. Rajesh, PET was placed under deemed suspension w.e.f. 12/02/2009 vide order No.f.8(5)/VIG/DNWB/09/2251 dated 05/03/2009 in view of pending criminal proceedings against him in case FIR No.642/08 dated 29/10/2008 under section 302/498A/304B/120/34 filed at PS-Nangloi, Delhi against him.

And whereas, Sh. Rajesh, PET was convicted in the above said case and was awarded a sentence of imprisonment for a period of six months and fine of Rs.10,000/- vide judgment dated 10.02.2011 of the Hon’ble Additional Session Judge (West-02).

And whereas, Sh. Rajesh, PET was dismissed from service under Rule 19 (i) of CCS (CCA) Rules, 1965 vide order No. DE.7/112/Misc./ADV./09/1559-65 dated 16.05.2012 by the Competent Authority.

And whereas, the dismissal order was challenged before the Appellate Authority i.e. Secretary (Education) and vide order No. DE.7/112/Misc./ADV./09/3000-3006 dated 16.10.2012 Appellate Authority has rejected the appeal.

And whereas, the conviction order dated 10.02.2011 of Hon’ble Additional Session Judge (West-02) Delhi was challenged before the Hon’ble High Court through Cr. Petition No.CRL.A.487/2011 and vide order dated 26.09.2014, the Hon’ble High Court has set aside the order dated 10.02.2011 of Additional Session Judge. The operative part of the said order is reproduced as under:

‘However, so far as the appeal filed by Rajesh and Meena is concerned, (Cr. A. No.487/2011) the same is hereby allowed and the judgment and order on sentence passed by the learned trial court convicting them under section 498-A of IPS is set aside and the appellant – Meena and Rajesh are acquitted.’

And whereas, aggrieved with the penalty order dated 16.5.2012 of disciplinary authority and order dated 16.10.2012 of Appellate Authority, Sh. Rajesh has also filed an O.A. No.4236/2012 of Appellate Authority, Sh. Rajesh has also filed an O.A. No.4236/2012 in Hon’ble CAT which was disposed off by the court vide judgement dated 12.2.2015 with the following directions:-

“In view of the aforementioned, we dispose off the present OA with direction to appellate authority to revisit its order in the wake of

the order passed by Hon'ble High Court of Delhi in criminal appeal No. 487/2011 (ibid), as expeditiously as possible preferably within four weeks from the date of receipt of a copy of this order. While doing so, the appellate authority would keep in view the aforementioned judicial pronouncements.”

Now, therefore, in view of the acquittal of Sh. Rajesh, PET by the Hon'ble High Court vide judgement dated 26.9.2014, the penalty order 16/05/2012 whereby penalty of 'Removal from service' was imposed upon the official is set aside.

I order accordingly.”

3. In the wake, Contempt Petition is disposed of. Notice issued to the respondent is discharged. We are sanguine that the consequential benefits would be given to the petitioner in due course. No costs.

(K. N. Shrivastava)
Member (A)

(A.K. Bhardwaj)
Member (J)

September 3, 2015

/sunil/