

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

R.A.No.331/2015 in O.A.No.1397/2015

Tuesday, this the 21st day of March 2017

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. K.N. Shrivastava, Member (A)**

V K Gulati

..Applicant

(Mr. K.L. Manhas, Advocate)

Versus

New Delhi Municipal Council

..Respondent

(Mrs. Sriparna Chatterjee, Advocate)

O R D E R (ORAL)

Justice Permod Kohli:

This review is directed against the order dated 01.12.2015 passed in O.A. No.1397/2015. In the O.A., the applicant had claimed the following reliefs:-

“(i) To declare the impugned suspension order dated 28.10.2010 (A1) as void ab initio, wrong, illegal, arbitrary and unsustainable in law.

(ii) To direct the respondents to release the salary of the applicant for the period from 28.10.2010 to 31.10.2010, treating the said period as duty period for all purposes.

(iii) To direct the respondents to allow all the consequential benefits to the applicant including the retiral benefits, namely, full pension, gratuity and leave encashment to which the applicant is entitled as per law.

(iv) To pass any other order(s)/ direction(s) as deemed proper in the circumstances of the case to meet the ends of justice.

(v) To award the applicant the cost of this litigation.”

2. When the O.A. was filed on 15.04.2015 challenging the suspension order, two charge sheets dated 10.04.2015 and 13.04.2015 had already been issued to the applicant. Keeping in view the above circumstances, the Tribunal declared the suspension having ceased to operate as on the date of retirement of the applicant and since the applicant was facing the disciplinary proceedings, the other issues were not dealt with and rightly so. As two charge sheets having been issued, the question of payment of salary and retiral benefits could not have been decided by the Tribunal at that time unless the applicant is exonerated in the disciplinary proceedings. In any case, the disciplinary proceedings were not challenged in the O.A.

3. In this view of the matter, we do not find any error apparent on the face of the record in the judgment dated 01.12.2015. No ground for intervention in review jurisdiction. Review dismissed. No costs.

(K.N. Shrivastava)
Member (A)

(Justice Permod Kohli)
Chairman

March 21, 2017
/sunil/