

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

**CP-453/2016 in
OA-4231/2012**

New Delhi, this the 19th day of August, 2017.

Hon'ble Mr. Shekhar Agarwal, Member (A)
Hon'ble Mr. Raj Vir Sharma, Member (J)

Padam Singh, S/o L. Sh. Kanhaya Singh,
E-73, A/181, Sanjay Colony,
Gokalpuri, Delhi-94.

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Applicant

(through Sh. Shrigopal Aggarwal)

Versus

Sh. Daljit Singh,
Superintending Archaeologist,
Archaeological Survey of India,
3rd Floor, Puratatva Bhavan, Block-D,
CGO Complex, INA, New Delhi.

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Respondents

(through Sh. Amit Anand)

ORDER (ORAL)

Hon'ble Mr. Shekhar Agarwal, Member (A)

This CP has been filed for alleged non-compliance of our order dated 31.08.2015, the operative part of which reads as follows:

"23. In view of the above discussion, we find that the impugned order cannot stand for the following reasons:

- a) Violation of the principles of natural justice in not providing a copy of the inquiry report prior to inflicting the punishment upon the applicant.
- b) Delay in initiation of the disciplinary proceedings.
- c) Not following the procedure prescribed in Rule 9 of the CCS (Pension) Rules, 1972.

Therefore, the impugned order must liable to go on these counts. Accordingly, the same is quashed and set aside.

24. We could have given liberty to the respondents to conduct fresh proceedings against the applicant under Rule 9

of the Pension Rules, 1972. However, we direct the respondents to reconsider the issue in light of the fact that the applicant is a poor and illiterate person, with a large family to support, and incapable of contesting the litigation on a sustained basis. Interest of justice and fair play would, therefore, require a lenient view to be taken in the matter.

25. With these directives, the OA is disposed of accordingly, but without costs. Registry is directed to return the departmental record pertaining to the departmental proceedings against the applicant to the concerned learned counsel for the respondents."

2. In compliance thereof, learned counsel for the respondents has produced a copy of an order dated 31.07.2017 of the respondents by which the payment of Gratuity, Commutation of Pension, Group Insurance Scheme, Leave Encashment and Arrears of Pension has been made to the petitioner. Learned counsel for the petitioner however stated that the interest as asked for in the relief clause has still not been paid to the petitioner.

3. We have considered the submissions. In our opinion, our order stands substantially complied with and nothing survives in the CP. Accordingly, this CP is closed and the notice issued to the alleged contemnor is discharged.

(Raj Vir Sharma)
Member (J)

(Shekhar Agarwal)
Member (A)

/ns/