

Central Administrative Tribunal
Principal Bench
New Delhi

C.P.No.483/2016
in
O.A.No.2813/2016

Order Reserved on:23.09.2016
Order pronounced on 28.09.2016

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

Pradeep Kumar, Group-D/Peon, age 46 years
S/o Sh. Sahej Ram
Department of Employment
R/o 1888/31, Mayur Vihar
Gali No.6, Main Gohana Road
Sonepat, Haryana. Applicant

(By Advocate: Ms. Somyashree Mishra for Shri Pratap Ch. Mishra)

Versus

Sh. S.K.Parashar, Joint Director
Head of Office/Competent Authority
Directorate of Employment
I.A.R.I. Complex
Pusa, New Delhi – 110 012. ... Respondent

ORDER

By V. Ajay Kumar, Member (J):

Heard the learned counsel for the petitioner.

2. The applicant in OA No.2813/2016 has filed the present CP alleging violation of the interim order dated 22.08.2016 in OA No.2813/2016. The applicant filed the OA questioning the Memorandum dated 08.08.2016 of the respondents, issued under Rule 19 of CCS (CCA) Rules, 1965, in calling for his explanation why he shall not be removed from service, in view of his conviction and sentence by a competent Court under Section 13 (1)(d) of Prevention of Corruption Act, 1988 read with Sections 420/468/471/201/120-B of IPC vide order dated 22.08.2012.

3. This Tribunal on 22.08.2016 passed the following order in OA No.2813/2016:

"Heard.

Issue notice to the respondents.

File be placed before the Principal Registrar's Court on 07.11.2016 for completion of service and pleadings."

4. It is submitted that though the applicant informed the respondents about the filing of the OA and issuance of the notice and listing the matter on 07.11.2016, the respondents issued Annexure C3 Order of removal dated 06.09.2016 against the applicant.

5. It is submitted that as per Section 19(4) of the Administrative Tribunals Act, 1985, once an application has been admitted by a Tribunal under Sub-Section(3), every proceeding under the relevant service rules as to redressal of grievances in relation to the subject matter of such application pending immediately before such admission shall abate and save as otherwise directed by the Tribunal, no appeal

or representation in relation to such matter shall thereafter be entertained under such Rules. It is further submitted that since this Tribunal issued notice in the OA filed in respect of the Show Cause Notice, the respondents cannot pass the removal order dated 06.09.2016 and hence, they are liable to be punished under the provisions of the Contempt of Courts Act and also the Administrative Tribunals Act, 1985.

6. Section 19(4) states that all the proceedings issued subsequent to admission of an application, as subject matter of the OA, and that if any appeal or representation is pending, the same cannot be entertained, without the leave of the Tribunal. But if any order is passed by the authorities, after the OA has been admitted, the same cannot be made them liable for Contempt of Court, unless a specific direction was in operation against the respondents to that effect.

7. In the circumstances and for the aforesaid reasons, we do not find any merit in the CP and accordingly the same is dismissed. However, the petitioner is at liberty to assail the removal order dated 06.09.2016, if so advised, in accordance with law. No costs.

(V. N. Gaur)
Member (A)

(V. Ajay Kumar)
Member (J)

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