

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA 878/2018

New Delhi, this the 1st day of March, 2018

Hon'ble Mrs. Jasmine Ahmed, Member (J)
Hon'ble Mr. Uday Kumar Varma, Member (A)

Shri Ami Lal,
S/o Shri Kishan
Ex. Safai Karmchari, CSE/CLZ
R/o H.No.759, Chabi Ganj,
Kashmere Gate,
Delhi-110006

... Applicant

(Through Shri Atul Rathi, Advocate)

Versus

1. North Delhi Municipal Corporation
Through the Commissioner
S.P. Mukherjee Civic Centre
J.L. Nehru Nagar,
New Delhi-110002
2. Director Vigilance Department,
North Delhi Municipal Corporation
26th Floor, S.P. Mukherjee Civic Centre
J.L. Nehru Nagar,
New Delhi-110002

...Respondents

ORDER (ORAL)

Mrs. Jasmine Ahmed, Member (J)

While the applicant was working as Safai Karmchari, an FIR No.441/91 was filed against him at Police Station, Kashmere Gate. Consequent thereto, he was placed under suspension vide office order dated 28.07.1992. The

suspension of the applicant was revoked vide order dated 3.11.1999. As a consequence thereof, he was permitted to join duty. The Ld. Trial Court vide its judgment dated 31.10.2000 convicted the applicant for alleged offence punishable under Section 498A/302 r/w Section 34 IPC. The applicant challenged the judgment of the Trial Court in Criminal Appeal No.689/2000 filed before the Hon'ble High Court. During the pendency of Criminal Appeal, the applicant was served with a Memo dated 31.05.2002 proposing to impose the penalty of removal from service and calling upon him to submit his reply on penalty proposed. The applicant submitted his reply to show cause within the stipulated period. Being aggrieved by the punishment inflicted by the disciplinary authority, the applicant filed an appeal stating that the disciplinary authority had imposed the penalty without affording personal hearing to him. His appeal was, however, rejected. In the meanwhile, the applicant superannuated on 30.11.2002. The Hon'ble High Court vide its judgment dated 22.11.2016 allowed the Criminal Appeal No.689/2000 and set aside the judgment of conviction passed by the Ld. Addl. Sessions Judge, Delhi. Thereafter, the applicant has made several representations for release of retirement dues, the last representation being dated 20.09.2017 but the respondents have failed to pass any order on the said representation.

2. Having heard the learned counsel for the applicant and gone through the facts and circumstances of the case, we are of the opinion that this OA can be disposed of at the admission stage itself by directing the respondents to respond to the representation dated 20.09.2017. Accordingly, the respondents are directed to consider the representation dated 20.09.2017 of the applicant and pass a reasoned and speaking order thereon within a period of two months from the receipt of a certified copy of this order. The OA is disposed of. It is made clear that nothing has been commented on merits of the case.

(Uday Kumar Varma)
Member (A)

(Jasmine Ahmed)
Member (J)

/ns/