

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

OA-2325/2015

New Delhi this the 10th day of January, 2017

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

Him Raj Singh, Driver, B.No. 24787, DGD,
S/o Rakam Singh, Aged 40 years,
R/o Village Khairpur, PO, Saidpur,
District Bulandshahar, UP.

... Applicant

(through Ms. Komal Aggarwal for Sh. Anil Mittal)
Versus

Delhi Transport Corporation,
IP Estate,
New Delhi-110002.
(through Chairman-Cum-Managing Director)

... Respondent

(through Ms. Arati Mahajan Shedha with Sh. Manoj Kumar)

ORDER (ORAL)

Mr. Shekhar Agarwal, Member (A)

This OA has been filed seeking the following reliefs:-

" (i) Quash notice dt. 2-9-2013 (Annexure-A.1);
(ii) quash order dt. 19-11-2013 (Annexure-A.2);
(iii) quash order dt. 18-5-2015 (Annexure-A.3);
(iv) direct the respondent to reinstate the applicant in service and to assign him duty to whatever post he is found fit for in the same pay scale he was drawing as a driver;
(v) direct the respondent to pay arrears of salary to the applicant from the period he was laid off duty till the date of reinstatement with interest and with all other consequential benefits."

2. Learned counsel for the applicant argued that this case is squarely covered by the judgment of Hon'ble High Court of Delhi in WP(C) No. 4214/2014 (**Suresh Chand & Anr. Vs. DTC**) and other connected matters decided on 14.07.2014. SLP filed against the aforesaid judgment has been dismissed by

Hon'ble Supreme Court on 16.01.2015. She submitted that this case is also covered by judgment of a Co-ordinate Bench of this Tribunal in OA No. 3532/2015 (**Netra Pal, Driver Vs. DTC**) dated 25.11.2016. The aforesaid submission has not been seriously opposed by learned counsel for the respondent.

3. Accordingly, we dispose of this OA in terms of Para 8 of the order of Hon'ble High Court in WP No. 4212/2014 which reads as follows:-

“ 8. In view of the above, respondents may, if they so choose, initiate and continue with the enquiry into the charges alleged against the petitioners the show cause notice after receiving their explanation and thereafter proceed in accordance with law, having regard to the final report received from the Enquiry Office. However, it shall not be open to the respondent DTC to terminate or dismiss the petitioners on the basis of the alleged fraud merely by giving a show cause notice and calling for a reply.”

No costs.

(Raj Vir Sharma)
Member (J)

(Shekhar Agarwal)
Member (A)

/ns/