

**Central Administrative Tribunal  
Principal Bench**

**OA No.2686/2016**

New Delhi, this the 10<sup>th</sup> day of August, 2016

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

Shri A. K. Dixit, EE  
S/o Shri K. N. Dixit,  
R/o 29/30, East Patel Nagar,  
New Delhi 110 008. ... Applicant.

(By Advocate : Shri Rajeev Sharma)

Versus

1. North Delhi Municipal Corporation  
(through its Commissioner)  
Dr. S. P. Mukherjee Civic Centre,  
J. L. Marg,  
New Delhi.
2. The Commissioner  
North Delhi Municipal Corporation  
Dr. S. P. Mukherjee Civic Centre, 4<sup>th</sup> Floor,  
J. L. Marg,  
New Delhi.
3. Director (Personnel)  
North Delhi Municipal Corporation,  
Dr. S. P. Mukherjee Civic Centre, 5<sup>th</sup> Floor,  
J. L. Marg,  
New Delhi. ... Respondents.

**: O R D E R (ORAL) :**

**Justice Permod Kohli, Chairman :**

Heard.

2. Issue notice. Shri R. N. Singh, learned counsel appears and accepts notice on behalf of the respondents.
3. The applicant was recruited as a Junior Engineer in the year 1988 in the erstwhile Municipal Corporation of Delhi. He earned promotions up to the rank of Executive Engineer (Civil) on ad hoc basis, and is working as such since January, 2000. It is averred that the DPC for

regular appointment as Executive Engineer was convened in July/August, 2008, and the applicant was considered for the vacancy year 2005-2006. However, on account of pendency of criminal/disciplinary proceedings against the applicant, his case was kept under sealed cover. A review DPC was again held in the year 2015, and his case was again considered and kept under sealed cover.

4. The applicant has fairly conceded, and rather made specific averments that he suffered as many as twelve cases, criminal/disciplinary proceedings. A chart in this respect is placed at Page 5 of the OA. From the chart, it appears that except the impugned charge sheet, all other cases have been decided. He has suffered some punishments but exonerated in some cases, and similarly he was also acquitted in criminal cases. The details of these are not relevant for the purpose of disposal of the present Application.

5. The prayer made in this OA is that despite the charge memo dated 08.02.2016 impugned herein having been issued, the disciplinary proceedings are hanging like a sword over his head and consequently he has not been effectively considered for promotion.

6. Shri Rajeev Sharma, learned counsel for the applicant has submitted that a number of persons who were having criminal cases pending against them and were also facing disciplinary proceedings, have been promoted. He accordingly seeks indulgence of the Tribunal to direct consideration of his case. We do not know details of other cases and circumstances under which officials were promoted.

7. Admittedly, disciplinary proceedings are pending against the applicant. We do not propose to interfere at this stage.

8. It is, however, necessary that disciplinary proceedings are culminated. Under these circumstances, this OA is being disposed of at the admission stage with direction to the respondents to complete the disciplinary proceedings against the applicant within a period of four months and the disciplinary authority shall take final decision within a period of three months thereafter depending upon the inquiry report.

**(K. N. Shrivastava)**  
**Member (A)**

**(Justice Permod Kohli)**  
**Chairman**

/pj/