

**Central Administrative Tribunal
Principal Bench**

OA No.2778/2016

New Delhi, this the 17th day of August, 2016

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

Nemi Chand Meena
S/o Shri M. L. Meena
1225-A, Gali No.1,
Bholanath Nagar, Shahdara,
Delhi.

... 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, 4th Floor
J. L. Marg, New Delhi.
3. South Delhi Municipal Corporation
(through its Commissioner)
Dr. S. P. Mukherjee Civic Centre,
J. L. Marg, New Delhi.
4. The Commissioner
South Delhi Municipal Corporation
Dr. S. P. Mukherjee Civic Centre, 6th 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 respondents No.1 & 2, and Shri Piyush Gaur appearing on behalf of Shri R. K. Jain, learned counsel accepts notice on behalf of respondents No.3 & 4.

3. The applicant while working as an Executive Engineer was placed under suspension w.e.f. 26.01.2011, vide Office Order dated 28.02.2011 on account of registration of FIR No.180/2010 against him. His suspension was later revoked vide order dated 12.05.2014 on

recommendation of the Review Committee. Thereafter, vide order dated 11.06.2014, order of revocation dated 12.05.2014 was withdrawn treating the applicant under suspension.

4. Admittedly an FIR No.180/2010 was registered against the applicant, whereupon a charge sheet SC No.111/2013 State vs. Nem Chand Meena was filed before the competent authority. The applicant was acquitted of the charge vide judgment dated 06.02.2015. On his acquittal, the applicant was ordered to be reinstated in service vide order dated 13.06.2016. The applicant on his reinstatement made a representation dated 16.06.2016, which was received by SDMC on 17.06.2016, seeking his salary and all other consequential benefits on account of his acquittal and reinstatement to service. Shri Rajeev Sharma submits that the applicant was not even paid subsistence allowance w.e.f. 26.01.2011.

5. Be that as it may, the fact remains that the applicant having been acquitted of the criminal charge, his suspension stands revoked. The respondents are under obligation to decide the period of suspension of the applicant. The applicant has made detailed claims in his representation referred to above, followed by subsequent representation.

6. In this view of the matter, without entering into the merits of the controversy at this stage, we dispose of this OA at the admission stage itself with direction to the respondents to consider the representation of the applicant and decide the same by passing a reasoned and speaking order within a period of two months from the date of receipt of certified copy of this order.

(K. N. Shrivastava)
Member (A)

(Justice Permod Kohli)
Chairman

/pj/