

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

OA No.1710/2017

New Delhi this the 8th day of August, 2017

**Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Ms. Nita Chowdhury, Member (A)**

Nitesh Singh Panwar
S/o Shri Ram Kishan Panwar
Aged about 35 years
R/o 564/A Raja Park, Shakur Basti
Delhi – 110 034
Presently working as Pharmacist (Group C)
Bhagwan Mahaveer Hospital
H 4/5, Pitampura Delhi – 110 034. Applicant

(By Advocate:Shri K.S.Dhingra)

VERSUS

1. Secretary
Health and Family Welfare Department
Government of NCT of Delhi
9th Level, A Wing
Delhi Secretariat
IP Estate, New Delhi – 110 002.

2. Medical Superintendent
Bhagwan Mahavir Hospital
Government of NCT of Delhi
H 4/5 Pitampura, Delhi – 110 034. Respondents.

(By Advocate:Ms. Ritika Chawla)

ORDER (ORAL)

By Hon'ble Mr.V. Ajay Kumar,

Heard both sides.

2. The applicant, who is presently working as Pharmacist (Group C) under the 2nd respondent i.e. Medical Superintendent, Bhagwan Mahavir Hospital, filed the present OA seeking the following reliefs :-

- "(a) direct the respondents to immediately release the applicant's pay and allowances payable since 17.10.2016,
 - (b) direct the respondents to continue to release the pay and

allowances in future till the date the applicant continues to discharge the functions and duties attached to the post of Pharmacist in Bhagwan Mahavir Hospital,

- (c) award cost of the present proceedings, and
- (d) pass such other order or orders as this Hon'ble Tribunal considers appropriate in the facts and circumstances of the case."

3. It is his short case that on the ground of pendency of criminal proceedings against him, the respondents stopped his salary w.e.f.17.10.2016, though he has been working continuously under the 2nd respondent. The respondents vide their counter while not disputing the fact that the applicant has been appointed in the year, 2016 and has been working since then and that the salary w.e.f.17.10.2016 had not been paid to the applicant due to his involvement in criminal case where-under charge of involving moral turpitude, was leveled against the applicant, however, submits that the matter is referred to the Competent Authority and the same is pending under consideration.

4. Once, the respondent continuing the applicant in service and extracting work from the applicant, there is no justification in not paying the salary month after month, as per the Rules. It is for them to take an appropriate action, if they are so advised, in accordance with law and Rules, with regard to his involvement in the criminal case.

5. Accordingly, the OA is allowed and the respondents are directed to pay the salary to the applicant for the period he worked within two weeks and continue to pay as long as he is working under them, as per rules. However, this order shall not preclude the respondents from acting, in accordance with law and Rules. No order as to costs.

(NITA CHOWDHURY)
Member (A)

(V. AJAY KUMAR)
Member (J)

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