

**Central Administrative Tribunal
Principal Bench**

OA No.2240/2013

New Delhi, this the 2nd day of June, 2017

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

N.K. Gupta, S/o Sh. Ishwar Chand Gupta
R/o 22, Ishwar Colony
Near Rana Pratap Bagh
Delhi-110009.

...Applicant

(By Advocate: Shri M.K. Bhardwaj)

Versus

North Delhi Municipal Corporation & Ors.

1. The Commissioner
North Delhi Municipal Corporation
Civic Centre, New Delhi.
2. The Director (Vigilance)
North Delhi Municipal Corporation
Civic Centre, New Delhi.

...Respondents

(By Advocate: Shri R.N. Singh)

ORDER (ORAL)

Justice Permod Kohli :-

The applicant was serving as Superintending Engineer(Civil) in Sadar Pahar Ganj (S.P.) Zone. He was placed under suspension vide impugned order dated 14.02.2011. The suspension is under challenge in the present case.

2. Shri R.N. Singh, learned counsel appearing for the respondents has informed that a charge sheet was issued to the applicant on 24.10.2016. The applicant died on 21.03.2017 and his legal representatives (LRs) have been brought on record vide order dated 24.04.2017.

3. In view of the death of the applicant during pendency of these proceedings and the fact that the charge sheet was issued long back after the suspension of the applicant, and in view of the law laid down by the Apex Court in **Ajay Kumar Choudhary v. Union of India through its Secretary and Anr.** (Civil Appeal No.1912/2015) decided on 16.02.2015 that continued suspension without serving the charge sheet within 90 days is impermissible in law, therefore, the impugned order of suspension dated 14.02.2011 is set aside. The applicant has also claimed the retiral dues and benefits in view of the death of the Government servant.

4. We are of the view that the LR's are not in a position to contest the disciplinary proceedings and thus, the retiral benefits have to be worked out and paid to them in accordance with law.

5. In this view of the matter, we dispose of this OA with a direction to the respondents to determine the retiral benefits of the deceased applicant, Shri N.K. Gupta, and release the same to his LRs within a period of three months from the date of receipt of a copy of this order. In the event any interest is also payable, the same shall be paid in accordance with rules.

(K.N. Shrivastava)
Member (A)

(Justice Permod Kohli)
Chairman

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