

**Central Administrative Tribunal
Principal Bench**

O.A. No.3010/2017

New Delhi, this the 22nd day of January, 2018

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

Gaurav Chaturvedi
S/o Sh. Ashok Chaturvedi
R/o Flat No. A-302, Brindawan Garden,
Plot No. 10, Sector-12,
Dwarka, New Delhi-110075. ...Applicant

(By Advocate: Shri Rajeev Sharma)

Versus

1. The Commissioner,
North Delhi Municipal Corporation,
Dr. S.P. Mukherjee Civic Centre,
4th Floor, J.L. Marg, New Delhi.
2. The Commissioner,
South Delhi Municipal Corporation,
Dr. S.P. Mukherjee Civic Centre,
9th Floor, J.L. Marg, New Delhi. ..Respondents

(By Advocates: Shri R.N. Singh, Shri Vaibhav Pratap Singh and
R.K. Jain)

ORDER(ORAL)

Justice Permod Kohli :-

The applicant has challenged the promotion order dated 21.08.2017. During the course of the arguments it has been submitted by Shri Rajeev Sharma, learned counsel appearing on behalf of the applicant that the respondents issued show cause notice dated 10.03.2016 for initiating disciplinary proceedings under Rule 8-A of the DMC Services (Control & Appeal) Regulations, 1959. Statement of imputation of charge

framed against him was also accompanied with the show cause notice. The applicant submitted reply to the aforesaid show cause notice/memorandum on 16.05.2016. However, no decision has been taken thereon by the disciplinary authority till date. In the counter affidavit filed on behalf of respondent No.1, i.e., NDMC, reference is made to a clarification dated 22.09.2017 which indicates that the regular disciplinary proceedings are pending against the applicant for minor penalty. It seems that in view of the aforesaid disciplinary proceedings the claim of the applicant for promotion has not been considered.

2. Be that as it may, the show cause notice was issued on 10.03.2016 and reply thereto was filed in May, 2016 but the disciplinary authority has till date not passed any final order in the disciplinary proceedings.

3. In this view of the matter, without considering the challenge to the promotion order, at this stage, we dispose of this OA with a direction to the respondents to take final decision on the disciplinary proceedings within a period of 45 days from the date of receipt of a copy of this order and communicate the outcome to the applicant.

4. Insofar as the claim of the applicant for challenge to the promotion order and his own claim for promotion is concerned, the said right shall remain intact with the applicant

depending upon the outcome of the disciplinary proceedings.
The applicant will have the liberty to seek remedial measure, if aggrieved, in accordance with law.

(K.N. Shrivastava)
Member(A)

(Justice Permod Kohli)
Chairman

/vb/