

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
61/35, Copernicus Marg, New Delhi.**

ORDER SHEET

**HON'BLE MR. JUSTICE SYED RAFAT ALAM, CHAIRMAN
HON'BLE MR. P. K. BASU, MEMBER (A)**

COURT No. 1

17.11.2015

ITEM NO : 25

M.A. 2824/2015

O.A. 3327/2013

M.A. 974/2014

P.C. Mishra

... Applicant

Versus

Govt. of NCTD

... Respondents

FOR APPLICANTS (S)	:	Misc. Applicant in person
FOR RESPONDENT (S)	:	Shri R.N. Singh

Order of the Tribunal

Mr. Justice Syed Rafat Alam, Chairman

Misc. Application No.2824/2015 is placed today for orders.

2. By means of this Application, the respondents have sought six months further time to implement the directions of the Tribunal dated 03.07.2015 in O.A. No.3327/2013.

3. Shri R.N. Singh, counsel for the respondents submitted that for the reasons stated in paras 4, 5 and 6 of the Application, the respondents needs further time to examine the representation of the applicant.

4. We are not convinced with the explanation given in the Application. It has been submitted that the applicant has made a representation to withdraw the penalty order before deciding his review petition. It is submitted that the same now stands referred to DoPT, and its comments/advice is awaited. It is submitted that in case his request for withdrawal of penalty order is accepted, then the instant order becomes infructuous. He, therefore, submits that sometime is required to examine the request of the applicant for withdrawal of the penalty order.

5. Be that as it may, in our view, the direction given by the Tribunal in the order dated 03.07.2015 is clear, specific and unambiguous, whereunder the respondents were required to consider the representation of the applicant in terms of the parameters mentioned in para 13 of the judgment rendered in **Mahinder Dutt Sharma v. Union of India & Others**, (2014) 11 SCC 684, within a period of one month from the date of receipt of the representation of the applicant giving full particulars of his property, including all family members. Admittedly, the applicant filed his representation, pursuant to the order dated 03.07.2015, on 22.07.2015 so that his application regarding grant of compensation pension/compassionate allowance under Rule 41 of the CCS (Pension) Rules, 1972 may be considered and disposed of in terms the order dated 03.07.2015. We, therefore, do not find any justification to stall the disposal of the application in compliance of

the aforesaid order on the pretext that his application for withdrawal of the penalty order is under consideration. We are of the view that in view of clear direction of the Tribunal, the respondents ought to have disposed of the matter in pursuance to the aforesaid order within the time granted. However, looking to all aspects of the matter, we grant one month and no further time to the respondents to implement the order dated 03.07.2015 in O.A. No.3327/2013.

6. The Application stands disposed of.

(P. K. Basu)
Member (A)

(Syed Rafat Alam)
Chairman

/jyoti/