

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A.NO.4558 OF 2017

CORAM:

HON'BLE SHRI RAJ VIR SHARMA, JUDICIAL MEMBER
AND

AND
ITALIANI

HON'BLE MS.PRAVEEN MAHAJAN, ADMINISTRATIVE MEMBER

Vinod Kumar Shah,
s/o Sh.Shubh Lal Shah,
aged about 35 years,
R/o B-24, DMRC Quarters,
Metro Vihar, Yamuna Bank,
Shakarpur, Delhi 110092
Head Maintainer (Emp.No.6290/DMRC)
(Terminated as of now) Applicant

(By Advocate: Mr.M.K.Singh)

Vs.

1. Delhi Metro Rail Corporation Ltd,
Through its Managing Director,
Metro Bhawan, Fire Brigade Lane,
Barakhamba Road, New Delhi 110001
2. Ministry of Housing & Urban Affairs,
Through its Secretary,
Government of India,
Nirman Bhawan, Maulana Azad Road,
New Delhi 110001
3. Govt. of NCT of Delhi,
Through its Chief Secretary,
Delhi Secretariat,
Players Building,
I.P.Estate, New Delhi 11000
4. Sh.S.K.Sinha, Director/HRD,
(Ex.GM/HR/DMRC),
Security Printing & Minting Corporation of India Ltd.(SPMCIL),
16th Floor, Jawahar Vyapar Bhawan,
Janpath, New Delhi 110001
5. Sh.Om Hari Pandey, ED/RS/O&M,
And also Appellate Authority in this case,
Delhi Metro Rail Corporation Ltd,
Metro Bhawan, Fire Brigade Lane,
Barakhamba Road,
New Delhi 110001
6. Sh.Vijender Chaudhary, Sr.DGM/RS

And also the Disciplinary Authority in this case,
 Delhi Metro Rail Corporation Ltd,
 Metro Bhawan, Fire Brigade Lane,
 Barakhamba Road,
 New Delhi 110001

7. Sh.Rajneesh Pandey,
 Sr.Dy.General Manager/HR,
 Delhi Metro Rail Corporation Ltd,
 Metro Bhawan, Fire Brigade Lane,
 Barakhamba Road,
 New Delhi 110001
8. Sh.Sharat Sharma, Director/Operators and
 Also Reviewing Authority in this case,
 Delhi Metro Rail Corporation Ltd.,
 Metro Bhawan, Fire Brigade Lane,
 Barakhamba Road,
 New Delhi 110001
9. Central Vigilance Commissioner,
 Central Vigilance Commission,
 Satarkata Bhawan,
 A-Block, GPO Complex,
 INA, New Delhi 110023 Respondents

(By Advocate: Mr. V.S.R.Krishna)

.....

ORDER
(On the prayer for interim relief)

Per RAJ VIR SHARMA, MEMBER(J):

While serving as a Head Maintainer with Delhi Metro Rail Corporation Ltd., the applicant faced a major penalty disciplinary proceedings under Rule 42 of the DMRC Conduct, Discipline & Appeal Rules and, upon conclusion of the enquiry, the Disciplinary Authority, vide order dated 27.6.2017, imposed upon applicant the penalty of removal from service with immediate effect. The appeal made by the applicant against the penalty of removal from service was rejected by the Appellate Authority, vide order dated 17.10.2017. Therefore, he has filed the present O.A. seeking the relief of quashing the above orders and a direction to the respondent-DMRC Ltd. to reinstate him in service. The applicant has also sought for issuance of a direction to the respondent-DMRC Ltd. and respondent-Central Vigilance Commission to cause an enquiry into the allegations made by him against some officers of the DMRC Ltd. by external and independent agency.

2. In paragraph 9 of the O.A., the applicant has prayed for the following interim order:

- “a) To stay the effect and operation of the Impugned Orders dated 27.06.2017 and 16.10.2017 passed by the Disciplinary Authority and Appellate Authority of the Respondent/DMRC including notice dated 27.11.2017 asking for vacating the accommodation with immediate effect till the pendency of instant Application in the interest of humanity and Justice.
- b) Any other or further relief(s) the Hon’ble Tribunal may deem fit and proper, in the interest of justice.”

3. On 21.12.2017, the coordinate Bench of the Tribunal, after hearing Mr.M.K.Singh, learned counsel appearing for the applicant, issued notices to the respondents and posted the O.A. to 8.1.2018.

4. After considering the materials available on record, and upon hearing Mr.M.K.Singh, learned counsel appearing for the applicant, and Mr.V.S.R.Krishna, learned counsel appearing for the respondent-DMRC Ltd., we are not inclined to allow the applicant’s prayer for interim order/relief. However, considering the fact that the applicant is out of employment, we direct the respondents to file their counter replies within four weeks from today and the applicant to file his rejoinder replies within four weeks from the date(s) of receipt of copies of the counter replies. The O.A. shall be placed before appropriate Bench as per roster on 12.03.2018 for hearing. Besides communicating a copy of this order to Mr.M.K.Singh, learned counsel appearing for the applicant, and Mr.V.S.R.Krishna, learned counsel appearing for the respondent-DMRC Ltd., the Registry shall communicate copies of this order to all the respondents by Registered Post with A.D.

(PRAVEEN MAHAJAN)
ADMINISTRATIVE MEMBER

(RAJ VIR SHARMA)
JUDICIAL MEMBER

AN