

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI**

**OA NO.4475/2015**

New Delhi this the 6<sup>th</sup> day of September, 2018

**HON'BLE MR. PRADEEP KUMAR, MEMBER (A)**

H.S. Saini,  
S/o late Sh. B.R. Saini,  
R/o 10/16 C/C Rani Public  
School, Block A-1, Sant Nagar,  
Burari, Delhi-84. ...Applicant

(Applicant in person)

**VERSUS**

1. Union of India  
Through Secretary,  
Ministry of Home Affairs,  
North Block, New Delhi.
2. G.N.C.T Delhi  
Through Addl. Secretary (Home),  
Delhi Secretariat, IP Estate,  
Delhi.
3. Pay & Accounts Officer,  
Pay & Accounts Office-2,  
Delhi Police, Ministry of  
Home Affairs, New Delhi.
4. Deputy Commissioner of Police,  
Security, through Police  
Headquarters, IP Estate,  
M.S.O. Building, New Delhi.
5. Deputy Commissioner of Police,  
Vigilance Bara Khamba Road,  
Through Police Headquarters,  
IP Estate, M.S.O. Building,  
New Delhi. ...Respondents

(By advocate: Ms. Harvinder Oberoi)

**ORDER**  
**(ORAL)**

Heard Shri H.S. Saini, applicant in person and Ms. Harvinder Oberoi, learned counsel for the respondents.

2. The applicant's grievance in this OA is against the disciplinary and appeal case, which was initiated on the date of his retirement, i.e. 31.07.2008. Since there was no decision arrived at in his case, he was only paid provisional pension, and hence the OA was preferred.

3. The prayer made in the OA is for a direction to the respondents to release the retiral dues including regular pension. The learned counsel for the respondents mentioned that now, vide order dated 24.01.2018, 20% cut in pension has since been imposed in said disciplinary case and other retiral dues have since been paid to the applicant. Therefore, the present OA has become infructuous and, therefore, is to be disposed of as such.

4. The applicant, however, mentioned that the DE proceedings, which were initiated against him, on the plea that while in service he had kept investigation pending into certain cases for a period of about eight months, and before the said investigation could be completed, certain complaint was filed against him (as he was the Investigating Officer) and as a result thereof the Investigating Officer was changed also for conducting the further investigation.

However, the respondents deemed it fit to issue a charge-sheet to the applicant for said delays, which has now been finalized as mentioned above.

The applicant further mentioned that for the said delays in investigation, the department has filed FIR also against him in the Court of Law, which has also been finalized and he stands acquitted. Further the new Investigating Officer in the original case did not find any wrong doing and case was closed. In view of the same, it is the case of the applicant that DE proceedings need to be quashed ab initio. Since punishment was awarded to him post retirement, there is no possibility of appeal in the departmental forum and hence the instant OA.

5. It is, however, stated by respondents that this is not the relief that the applicant has sought in the instant OA and as such the same cannot be decided upon by the Tribunal in the instant case.

6.0 Matter heard at length. Now, since the nature of grievance has changed, the applicant is directed to file a fresh OA ventilating his grievances and mentioning therein the correct parties also as respondents, so that they have an opportunity to give their reply.

However, it is observed that the matter pertains to a retired employee, it will be essential that the applicant as well as the

respondents keep it in mind while dealing with fresh OA if any, and ensure that there is no delay in prosecution of the same.

7. The OA is disposed of accordingly. No costs.

**(PRADEEP KUMAR)  
MEMBER (A)**

/jk/