

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

T.A./100/32/2013

New Delhi, this the 10th day of October, 2018

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)

Shri Ved Prakash Yadav,
S/o Shri Asa Ram
R/o 252, Village Hastal
New Delhi-110059

... Applicant

(Through Shri Ajesh Luthra, Advocate)

Versus

1. Union of India
Through the Secretary
Ministry of Home Affairs
North Block,
New Delhi-1
2. Joint Secretary (UT),
Govt. of India
Ministry of Home Affairs,
North Block, New Delhi
3. Secretary (Service)
Govt. of NCT of Delhi
Delhi Secretariat,
I.P. Estate, New Delhi
4. Govt. of N.C.T. of Delhi
Through the Chief Secretary
5th Floor, Delhi Sachivalaya,
New Delhi
5. Directorate of Education
Through its Director
GNCT of Delhi
Old Secretariat
Delhi

... Respondents

(Through Ms. Purnima Maheshwari with Shri Akshay Singh, for
Respondent no.3 and Shri Rohit Bhagat for Shri
Saurabh Chawla with Shri Anand Singh, for
respondent no.5, Advocates)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman

The applicant was in Delhi Administration Subordinate Service (DASS). When he was holding the post of Grade-I in that service, three charge sheets were issued to him. In respect of two charge sheets, the proceedings ended with exoneration and in the third one, minor penalty of withholding of one increment, without cumulative effect was imposed. In the appeal preferred by him, the punishment was modified to the one of reduction to a lower stage in the time scale of pay for a period of one year. The applicant filed OA 1950/2007 challenging the order of punishment. On 26.05.2009, this Tribunal allowed the OA and has set aside the punishment. It was directed that the applicant shall be entitled to all consequential benefits.

2. It is stated that the applicant initially filed Contempt Petition, complaining that the consequential benefits were not extended and thereafter, a Writ Petition No.7481/2011 in the Hon'ble High Court of Delhi. The Writ Petition was transferred to this Tribunal and was numbered as TA 32/2013. The prayer in the Writ Petition was to direct the respondents to open the sealed cover. Thereafter, it was amended to the one of direction to the respondents to regularize the service of the applicant with all consequential benefits. However, during the course of the arguments, the learned counsel for the applicant submitted that

the effect of punishment has not been removed in the pay structure as well as the pension and that his client is entitled to resultant amounts, apart from other benefits.

3. The respondents filed detailed counter affidavit. It is stated that the applicant was not found fit for promotion for the vacancies of the year 1996-97 and the question of opening the sealed cover does not arise. It is, however, stated that for the vacancy of the subsequent year, the DPC met on 6.06.2008 and the case of the applicant was put in sealed cover due to pendency of disciplinary proceedings and by the time the occasion for making regular promotion has arisen, the applicant stood retired from service.

4. We heard Shri Ajesh Luthra, for the applicant and Ms. Purnima Maheshwari with Shri Akshay Singh, for respondent no.3 and Shri Rohit Bhagat for Shri Saurabh Chawla with Shri Anand Singh, for respondent no.5.

5. The punishment imposed against the applicant was set aside by this Tribunal with the direction that consequential benefits be extended. The applicant himself is not clear as to the nature of benefits he was entitled to, and the ones that were not extended to him. Two DPCs were held at the relevant point of time. In one of them, he was not considered and in second DPC, he was found fit but by the time the promotions were effected, he retired from service. In this scenario, it is difficult to grant any definite relief. However, the applicant can be permitted to make a representation narrating his specific

grievances so that the respondents can examine them with reference to the relevant facts and the provisions of law.

6. We, therefore, dispose of this OA leaving it open to the applicant to make a representation mentioning the consequential benefits, which he was entitled to in terms of the directions in OA 1950/2007 (supra) within a period of four weeks from today. On receipt of such representation, the respondents shall pass appropriate orders within three months thereafter. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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