

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.110/2013
With
OA No. 3802/2012

Wednesday, this the 17th day of September 2018

Hon'ble Ms. Nita Chowdhury, Member (A)
Hon'ble Mr. S.N. Terdal, Member (J)

OA No. 110/2013

Shri SP Singh,
S/o Late Sh. Nayader Singh,
R/o House No.951,
Sector-1, Vasundhara,
Ghaziabad, UP 201012

- Applicant

(By Advocate: Ms. Ananya Mukherjee for Dr. Ashwani
Bhardwaj)

Versus

Delhi Jal Board,
Through Chief Executive Officer,
Government of NCT of Delhi,
Varunalaya Phase-II, Karol Bagh,
New Delhi-110005

- Respondent

(By Advocate: Mr. Ramesh Shukla for Mr. NK Pandey)

OA No. 3802/2012

Shri SP Singh,
Aged about 57 years,
S/o Late Sh. Nayader Singh,
Executive Engineer (E&M)
WC-II/TYR Water Works,
Chandrawal No.1,
Civil Line, Delhi-110054

R/o House No.951,
Sector-1, Vasundhara,
Ghaziabad, UP 201012

- Applicant

(By Advocate: Ms. Ananya Mukherjee for Dr. Ashwani Bhardwaj)

Versus

1. Delhi Jal Board,
Through Chief Executive Officer,
Government of NCT of Delhi,
Varunalaya Phase-II, Karol Bagh,
New Delhi-110005
2. Assistant Commissioner,
Delhi Jal Board,
Delhi Sarkar,
Varunalaya Phase-II
Karol Bagh, New Delhi-110005 - Respondents

(By Advocate: Mr. Ramesh Shukla for Mr. NK Pandey)

O R D E R (ORAL)

Ms. Nita Chowdhury:

Both these OAs have been filed by the same applicant which are clubbed together.

2. In OA No. 3802/2012, the applicant has sought the following reliefs:

- “(a) Call for the record of the case.
- (b) Quash the Impugned Order 22.10.2012, of demotion/reversion (Annexure-P-1).
- (c) Allow the cost of the O.A. to the Applicant.
- (d) Pass any other further orders in favour of the Applicant which this Hon’ble Tribunal may deem fit and proper in the interest of justice.”

3. In O.A. No.110/2013, the applicant has sought the following reliefs:-

- “i. QUASH the Memorandum No.DJB/Vig./Disp./CS-(B)-33(11)/2012/6887 dt. 09.10.2012 and all consequential proceedings thereto and
- ii. GRANT all consequential benefits of promotion, pay, allowances and arrears thereof to the applicant, along with the costs of the present proceedings, and
- iii. PASS any other or further order(s) in favour of the Applicant, which this Hon’ble Tribunal may deem fit, just and proper in the above mentioned facts and circumstances.”

4. It is noted that when these matters came up for hearing on 26.07.2018, this Tribunal had passed the following orders:-

“When this matter is taken up for hearing, learned counsel for the applicant submits that the instant OA has been filed challenging the Annexure A/1 charge memorandum dated 09.10.2012 by raising various grounds. However, as no stay was granted, the respondents proceeded with the inquiry and the inquiry officer submitted his inquiry report on 07.10.2014 holding that the charges were not proved. The respondents, however, communicated the said inquiry report along with disagreement note to the applicant in April, 2016 and he was asked to submit his representation to the said disagreement note. The applicant, accordingly, submitted his representation to the disagreement note on 23.05.2016. Though more than two years have elapsed, till date, the respondents have neither passed any final order nor discharged the applicant from the charges leveled against him.

2. Sh. N.K. Pandey, learned counsel appearing for the respondents, on instructions, while not disputing the aforesaid facts, seeks leave of this Tribunal to allow the disciplinary authority to pass appropriate final orders.

3. In the circumstances, list the OA on 17.09.2018. The respondents are at liberty to take a final view on the matter and to pass a final order before the said date failing which, the OA will be decided on merits and appropriate orders would be passed on the next date of hearing.”

5. Today, when these matters were taken up for hearing, we were informed by the respondents that the final order in the disciplinary proceedings conducted against the applicant has already been passed by the competent disciplinary authority i.e. CEO (DJB) vide Order No.111 dated 12.5.16 thereby imposing the penalty of “Reduction in pension by 5% for a period of one year”. Copy of the above said penalty order is also enclosed. Also, as per the report of the office of Sr. Accounts Officer (Pension) dated 29.8.18 (copy enclosed), the above said penalty order has also been implemented and necessary recovery has been made from the pension of the applicant from March, 2017 to Feb.2018. The respondents also show that a copy of the said order has been acknowledged by the applicant as under:-

“ACKNOWLEDGEMENT

I, Sh. S.P. Singh, EE(E&M) on CDC basis (Now retired) have received letter No.DJB/Disp./Vig./RDA-12/2012/16/2016-3830 dated 12.05.2016

Signature of official Sd/
Date 15/5/2016

Name & Designation: Sh. S.P. Singh, EE (E&M)on

CDC Basis (now Retired)

DELHI JAL BOARD
EE(SDW)-I
DIARY No.621
DATED: 23/05/2016”

6. It is evident from the above that the applicant himself is aware of the fact that proceedings against him have been finalized and concluded and that he has received a copy of the same on 15.05.2016. Hence, nothing survives to be decided in these OAs and the same are dismissed and disposed of. No costs.

A copy of this order be kept in each file.

(S. N. Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

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