

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

O.A. No.2239 of 2018

This the 30th day of May, 2018

**Hon'ble Mr. Justice Dinesh Gupta, Chairman
Hon'ble Mr. K.N.Shrivastava, Member (A)**

Dr. Kamlesh Sharma
W/o Sh. V.K. Sharma,
r/o 436 Dhruva Apartment Plot No.4
Behind Mother Dairy, Patpar Ganj, East Delhi
Delhi-110092.

(Aged about 60 years)
At present working as Director AYUSH CMO (NFSG) Ayurvedic at
EDMC) - * Group – A*

....Applicant

(By Advocate : Shri Manish Verma)

VERSUS

1. East Delhi Municipal Corporation
Through the Commissioner,
419, Udyog Sadan,
Patparganj Industrial Area, Delhi
New Delhi: 110092.
2. The Principal Secretary,
Ministry of AYUSH
AYUSH BHAWAN, B Block,
GPO Complex, INA, New Delhi-110023.
3. Additional Commissioner – Health (EDM)
Dr. S.P.M. Civic Centre, Minto Road,
New Delhi, Delhi-110002.

.....Respondents

(By Advocate : Shri R.N. Singh and Shri Manjeet Singh for R-1 & 3.
Ms. Geetanjali Sharma for R-2))

ORDER (ORAL)

Justice Dinesh Gupta, Chairman :

The applicant through the medium of this OA has prayed for
the following reliefs:-

- I. Direct the respondents not to retire applicant on 30th June 2018.
- II. Issue Directions to the Respondents to implement the order dated 24.11.2017 w.e.f. 27.09.2017 as Annexure A.
- III. Direct respondent to allow applicant to continue in service with salary and all administrative rights beyond date of superannuation i.e. 30th June 2018 or till applicant attains age of 65 years with all consequential benefits.
- IV. Pass any order/relief/direction(s) as this Hon'ble Tribunal may deem fit and proper in the interests of justice in favour of the applicant."

2. Shri R.N. Singh, learned counsel for the respondent nos.1 and 3 brought to our notice that this applicant had already filed OA No.1802/2018 wherein one of the reliefs prayed for was:

- I. Issue Directions to the Respondents to implement the order dated 24.11.2017 w.e.f. 27.09.2017 as Annexure A."

The said OA was disposed of by the Tribunal vide Order dated 7.5.2018 with the following directions to the respondents:-

2. Having regard to the submissions made and without going into the merits of the case, we dispose of the OA with a direction to respondent No.1 to dispose of the representation of the applicant within a period of four weeks by way of passing a reasoned and speaking order. Needless to say that the applicant shall have the liberty to seek appropriate remedy in accordance with law in case he feels aggrieved of the order to be passed by the respondents."

3. Shri Singh stated that in this OA, the applicant has also prayed for the same relief together with a few other reliefs. He further stated that this factum has not been declared by the applicant in Column 7 of this OA as statutorily required. Such an act of the applicant would tantamount to misuse of process of law for which he deserves to be punished.

4. Learned counsel for the applicant submitted that the applicant is going to be retired by the respondents on 30.6.2018 after attaining the age of 60 years. He further stated that the applicant genuinely felt that respondents may take some time to comply with the directions of the Tribunal in its Order dated 7.5.2018 in OA 1802/2018 and in the meanwhile, the applicant would be forced to retire. In order to pre-empt such a situation, the applicant has filed this OA. He, however, unconditionally apologised for non-disclosure of filing of OA 1802/2018 by the applicant in Column 7 of this OA.

5. We find that both OAs were filed by the applicant through the same learned counsel. It was expected of the learned counsel to properly guide the applicant and to conform to the Court procedures. Since the learned counsel has tendered his unconditional apology for not making the necessary disclosure in Column 7 of the OA and has also prayed for withdrawal of this OA, we do not want to take any punitive action and allow the OA to be withdrawn.

6. OA is dismissed as withdrawn.

(K.N.Shrivastava)
Member (A)

(Justice Dinesh Gupta)
Chairman

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