

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA 602/2014

Reserved on 05.03.2019
Pronounced on:29.03.2019

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

1. Mohd. Asif,
S/o Mohd. Yusuf,
R/o B-35, Johri Farm, Okhla,
New Delhi-11—25
2. Parveen Chaudhary,
S/o Sh. Umrao Singh,
R/o D-79, Mahendru Enclave,
Delhi.

... Applicants

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

VERSUS

1. South Delhi Municipal Corporation
Through its Commissioner, 9th Floor,
Dr. S.P.M.Marg (Minto Road),
New Delhi.
2. Engineer-in-Chief,
South Delhi Municipal Corporation,
20th Floor, Dr. S.P.M. Civic Centre,
PT. J.L.N.Marg (Minto Road),
New Delhi-110002
3. Additional Deputy Commissioner (Engg.),
South Delhi Municipal Corpotion,
Dr.S. P.M. Civic Centre,
PT. J.L.N.Marg (Minto Road),
New Delhi-110002

... Respondents

(By Advocate: Mr. R.K.Jain)

ORDER

Hon'ble Mr. S.N.Terdal, Member (J):

We have heard Mr. M.K.Bhardwaj, counsel for applicants and Mr. R.K.Jain, counsel for respondents, perused the pleadings and all the documents produced by both the parties.

2. In this OA, the applicants have prayed for the following reliefs:

“8.1 Quash and set aside the impugned order being office order dated 30.01.2014 bearing reference no. HCI/Engg/HQ/SDMC/2014/1849 dated 31.01.2014 bearing reference no. HCI/Engg/HQ /SDMC/2014/1858 issued by the respondent Corporation(Annexure A-2 & A-1).

8.2 To declare the action of respondents in initiating process for reverting the applicants as illegal and unjustified and issue appropriate orders for continuing the applicants as AE (C).

8.3 Impose exemplary cost on the Respondent.

8.4 Pass any other such order/relief and further orders which this Hon’ble Tribunal deems fit and proper in view of the aforesaid facts and circumstances of the present Original Application.”

3. The relevant facts of the case are that the applicants were involved in a criminal case FIR No.82/02 dated 13.02.2002 of Police Station, Sangam Vihar, South District, New Delhi. But, however, the applicants did not intimate about their involvement in a criminal case to the department. The respondents in the year 2009 considered the applicants and promoted them without knowing about the above referred criminal case pending against the applicants. In the year 2010 they came to know about the pendency of the above said criminal case and as such vide the impugned orders dated 30.01.2014 and 31.01.2014, the competent authority withdrawn the said promotion orders of the applicants and reverting them back to their previous posts with immediate effect and ordered that the proceedings of the Departmental Promotion Committee (DPC) under which they were promoted was directed to be kept in sealed cover respectively. Challenging the said orders dated 30.01.2014 and 31.01.2014, the present OA has been filed. The counsel for the applicant vehemently and strenuously contended that subsequently they were

discharged in the said criminal case, as such no useful purpose would be served by reverting the applicants.

4. The counsel for the respondents equally vehemently contended that the applicants suppressed the fact about their involvement in the criminal case and thus suppressing the said fact they secured promotion as such having secured the promotion by fraud, their promotion orders require to be reversed and, therefore, the orders do not require to be interfered with. He further submitted that as the DPC recommendations ordered to be kept in sealed cover and the same would be dealt with as per law, but as the promotion is secured by fraud as such it is withdrawn.

5. In view of the facts and circumstances of the case, we are of the view that the impugned orders do not require to be interfered with. Accordingly, the OA is dismissed. No order as to costs.

(S.N.Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

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