

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A./100/4619/2018
M.A./100/1462/2019
M.A./100/2015/2019

New Delhi, this the 22nd day of July, 2019

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)

Jatinder Kumar Katyal
(aged about 62 years)
S/o Shri K.N. Katyal,
R/o House No.5/7 (FF)
Ramesh Nagar, New Delhi-110015
(Retired as AE (Civil), NDMC, New Delhi)Applicant

(Through Shri K.L. Manhas, Advocate)

Versus

1. New Delhi Municipal Council,
Through its Chairman,
Palika Kendra, New Delhi-110001
 2. The Secretary, NDMC,
Palika Kendra, New Delhi-110001 ... Respondents
- (Through Ms. Sriparna Chatterjee, Advocate)

ORDER (Oral)

Justice L. Narasimha Reddy, Chairman

The applicant, who retired as Assistant Engineer from NDMC, was convicted by the Criminal Court on charges of acquiring assets disproportionate to his known sources of income.

2. Based on the conviction, the respondents issued a Show Cause Notice dated 27.11.2018 requiring him to explain as to why suitable punishment be not imposed. This OA is filed challenging the said Show Cause Notice.

3. The principal ground urged by the applicant is that he preferred an appeal, feeling aggrieved by the conviction and the Hon'ble Delhi High Court has stayed the conviction.

4. We heard Shri K.L. Manhas, for the applicant and Ms.Sriparna Chatterjee, for the respondents.

5. During the pendency of the OA, the respondents have passed an order dated 3.06.2019, imposing the penalty of withholding of two-third of the pension as well as gratuity on permanent basis. Though the applicant made efforts by filing MA 1462/2019 and MA 2015/2019 to seek interim relief vis-à-vis the imposition of penalty, the same was not entertained on the ground that there is no challenge to the order of penalty dated 3.06.2019. Even now, challenge in the OA is only to the Show Cause Notice dated 27.11.2018.

6. Once the respondents have passed final order dated 3.06.2019 as a sequel to the Show Cause Notice, the challenge to the Show Cause Notice virtually becomes redundant. If the applicant is so advised, he has to file a fresh OA, challenging the order of punishment.

7. We, therefore, dismiss this OA as infructuous, by granting liberty to the applicant to challenge the order dated 3.06.2019 in fresh proceedings. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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