

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

**OA No. 1325/2017**

**this the 15<sup>th</sup> day of October, 2019**

**Hon'ble Mr. S.N. Terdal, Member (J)**  
**Hon'ble Mr. A.K. Bishnoi, Member (A)**

Sh. Avnish Kumar  
Age -36 yrs, Group-C, Ex. Driver DTC  
S/o Sh. Daya Ram  
R/o Vill & PO – Titoli  
District – Rohtak, Haryana.

...Applicant

(By Advocate : Mr. Rajesh Chauhan for Mr. Sachin Chauhan)

Versus

1. Delhi Transport Corporation  
Through its Chairman  
D.T.C., I.P. Depot, New Delhi.
2. The Depot Manager  
Delhi Transport Corporation  
Gazipur Depot, New Delhi.

..Respondents

(By Advocate : Mr. Vidur Dwivedi for Ms. Arti Mahajan Shedha)

**ORDER (ORAL)**

**Mr. S.N. Terdal :**

When the matter is taken up for hearing, both the learned counsels relied upon the judgment dated 13.08.2019 passed by Hon'ble High Court in **WP (C) 1111/2017 & Ors.** in the identical matter of **Delhi Transport Corporation & Ors. Vs. Ram Phal & Ors.** and prayed for disposal of this OA accordingly. The relevant paragraphs of which are extracted below :-

“23. Resultantly, following the decision of the Supreme Court in ***Surender Singh*** (supra), we dispose of these petitions by permitting the petitioner to issue detailed show cause notices to each of the respondents and other similarly situated. The show cause notices shall be accompanied with the relevant documents in respect of each of the respondents on which the DTC seeks to rely, and should set out the specific charge(s) framed against each of them

respectively. Two weeks time shall be granted to the noticees to respond to the show cause notices from the date of receipt of the respective notice. Depending upon whether, or not, the responses are received, and if so received, the petitioner shall proceed in accordance with principles of natural justice.

24. The noticees shall co-operate in the inquiries and the inquiries shall not be adjourned unnecessarily. From the date(s) on which the show cause notices are issued, the noticees shall be deemed to have been reinstated for the purpose of the enquiry, and they would be entitled to receive Subsistence Allowance on their deemed reinstatement for the purpose of enquiry, till the completion of the inquiry. However, in case, it is found that any of the noticees are not co-operating in the inquiry proceedings, or delaying the same unnecessarily – for reasons to be recorded, it shall be open to the petitioner to stop payment of Subsistence Allowance. In case, the respondents/ noticees are aggrieved by any order that may be passed by the Disciplinary Authority on the basis of the enquiry so conducted, it shall be open to them to avail of their rights and remedies.

25. It shall be open to the Competent Authority to decide on the aspect of back wages, etc. depending on the outcome of the disciplinary proceedings.”

2. In view of above order of the Hon’ble High Court, this OA is disposed of with a direction to the respondents to give relief to the applicant accordingly and follow the above direction with respect to the applicant. There shall be no order as to costs.

**(A.K. Bishnoi)**  
**Member (A)**

**(S.N. Terdal)**  
**Member (J)**

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