

**Central Administrative Tribunal
Principal Bench**

OA No.3566/2019



New Delhi, this the 11th day of December, 2019

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

Om Prakash Dhakolia, Age 70 years,
Group 'A',
S/o Late Harigian Singh,
R/o D-59 Paryavaran Complex,
(IGNOU Road), New Delhi-110030.

...Applicant

(By Advocate : Shri Satish Pandey with Shri Abdul Qadir
and Shri Salim Ansari)

Versus

1. The Chairman (DDA),
Delhi Development Authority,
Vikas Sadan, INA, New Delhi-110023.
2. Commissioner (Personnel),
Office of the Chief Vigilance Officer,
5th Floor, B-Block, Vikas Sadan,
INA, New Delhi-110023.
3. Disciplinary Authority, Finance Member,
DDA, B-Block, 5th Floor, Vikas Sadan,
INA, New Delhi-110023.
4. Office of Dy. C.A.O. (pension) DDA,
C-2/101, Vikas Sadan,
INA, New Delhi-110023.

...Respondents

ORDER (ORAL)**Justice L. Narasimha Reddy, Chairman :-**

The applicant retired from the service of the Delhi Development Authority (DDA) as Junior Law Officer. It is stated that he was tried for offences punishable under Sections 120-B, 420, 468, 471 IPC and Section 13(2) r/w 13(i)(d) of the Prevention of Corruption Act, 1988, and that the Trial Court convicted him through a judgment dated 29.10.2015, sentencing him to undergo rigorous imprisonment of three years and imposing fine of Rs.20,000/-. The applicant was receiving pension after retirement. The Disciplinary Authority issued a notice dated 03.04.2019, requiring the applicant to explain as to why the penalty of withholding of pension and gratuity in full, permanently, be not imposed, as per the Rule 9 of CCS (Pension) Rules, 1972, in view of the judgment of the Trial Court. This OA is filed challenging the notice dated 03.04.2019.

2. The applicant states that though he submitted his explanation to the notice, no orders have been passed thereon and the respondents have withheld the payment of pension.

3. Reference is made to various orders passed by the Hon'ble High Court of Delhi in the Criminal Appeal filed by the applicant against the judgment of the Trial Court.



4. We heard Shri Satish Pandey, learned counsel for applicant, at the stage of admission itself.

5. The challenge in this OA is to the notice dated 03.04.2019, requiring the applicant to explain as to why the penalty of withholding of pension and gratuity in full, be not imposed, in view of the conviction. The notice by itself, did not cause prejudice to the applicant. It is a step towards compliance with law and principles of natural justice. In case the applicant has already submitted his explanation to the said notice, the concerned authority has to pass orders. Though in the normal course, the delay in this behalf would not be a matter of concern to the applicant, the issue needs urgent attention, on account of the fact that the pension of the applicant is said to have been withheld.

6. We therefore, dispose of the OA, directing the respondents, that in case no final order has been passed,

in pursuance of the notice dated 03.04.2019, they shall pass the same, within four weeks, from today.

There shall be no orders as to costs.



(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

‘rk’