

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



OA No. 3989/2015

This the 28th day of November, 2019

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

Sh. Maha Singh
S/o Sh. Subha Chand
Aged about 52 years
R/o House No. 111, Near Purani Chopal
Village Neelothe, Delhi-110041
Ex. Driver, B.No. 14294, T.No. 45818
Kesho Pur Depot
Delhi Transport Corporation. ...Applicant

(through Dr. N. Gautam with Ms. Swati Gautam)

Versus

1. The Chairman cum-MD
Delhi Transport Corporation
DTC Hqrs., IP Estate
New Delhi-110002.
2. The Regional Manager cum-
Appellate Authority (West)
Maya Puri Depot
Delhi Transport Corporation
Through CMD-DTC
DTC Hqrs., IP Estate
New Delhi.
3. The Depot Manager
Kesho Pur Depot

Delhi Transport Corporation
New Delhi.

...Respondents

(through Sh. Sushant Sharma for Sh. Manish Garg)



ORDER (Oral)

Hon'ble Mr. S.N. Terdal:

Heard Dr. N. Gautam, learned counsel for the applicant
and Sh. Sushant Sharma, learned counsel for the respondents.

2. The relief prayed for by the applicant in the OA are as
follows:

“a) set-aside the order of rejection of appeal bearing
memo No. R.M/Ex Driver Appeal/2015/569 dated
03.06.2015 being not in consonance with the rules and
instructions as directed in the Orders passed by the
Hon'ble CAT on dated April 8th 2015 in OA No.
3912/2013.

b) set-aside the order bearing memo No.
KPD/AI(T)/CS-II/2012/363 dated 28.09.2012
removing the applicant from services issued by the
respondent no. 3 and rejection of earlier appeal dated
24.06.2013 issued by the respondent no. 2 appellate
authority cum R.M;

c) direct the respondent to reinstate the applicant with
continuity of service;

d) pass such other and further order as this Hon'ble
Tribunal may deem fit and proper in the interest of
justice.”



3. It is a second round of litigation. In the first round of litigation, the applicant challenged the inquiry proceedings along with the order passed by the disciplinary authority removing him from service by order dated 08.04.2015 and the order passed by the Appellate Authority dated 24.12.2012. This Tribunal disposed of the said earlier OA No. 3912/2013, setting aside the order passed by the Appellate Authority dated 24.12.2012 but upheld the order passed by the Disciplinary Authority and remanded the matter back to the Appellate Authority for passing a reasoned and speaking order. The relevant portion of the order is extracted below:

“6. In view of above, we consider it appropriate to quash the impugned order in appeal dated 24.12.2012. We grant liberty to the learned counsel for the respondents to consider the case of the applicant and pass reasoned order in consonance with the rules and instructions, having due regard to the issues and grounds raised by the applicant in his appeal petition. Any order to be passed on the appeal petition should be done within a period of 10 weeks from the date of receipt of a copy of this order.”

4. In compliance with the order extracted above, the Appellate Authority passed the impugned order dated 03.06.2015 which in our view is a reasoned and speaking



order. The learned counsel for the applicant at the time of hearing submits that this OA may be disposed of with direction to the respondents to consider the representation of the applicant dated 07.08.2012 seeking VRS.

5. We are of the view that this OA is devoid of merits in view of the fact that the impugned order is reasoned and speaking one. Accordingly, this OA is dismissed. No order as to costs.

(A.K. Bishnoi)
Member (A)

(S.N.Terdal)
Member (J)

/ns/