



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

OA No. 2930/2019

New Delhi this the 20th December, 2019

**HON'BLE MRS. JUSTICE VIJAY LAKSHMI MEMBER (J)
HON'BLE MR. PRADEEP KUMAR MEMBER (A)**

Nikhil K. Prasad, Aged 31 Years,
S/o. Krishnaprasad,
Group- c, Desg. Staff Nurse
Makan, Kizhuvilam P.O.,
Mamom, Attingal,
Chiryinkeezhu Talak,
Nedumanaad,
Thiruvananthapuram District,
State of Kerala,
Presently R/o. Quarter Number 38,
Type-1, Lal Bahadur Shastri Hospital,
Khichripur, East Delhi-110091.

.....Applicant

(By Advocate: Sh. Ranbir Yadav)

Versus

1. Govt. of NCT of Delhi,
Through its Chief Secretary,
IP. Estate,
Delhi Secretariat,
New Delhi-110002.
2. Deputy Medical Superintendent/H.O.O
Lal Bahadur Shastri Hospital,
Khichripur, Mayur Vihar Phase-II,
East Delhi- 110091.
3. Medical Superintendent,
Lal Bahadur Shastri Hospital,
Khichripur, Mayur Vihar Phase-II,
East Delhi- 110091.

.....Respondents

(By Advocate: Ms. Esha Mazumdar)

ORDER (ORAL)**BY HON'BLE MRS. JUSTICE VIJAY LAKSHMI MEMBER (J)**

1. The applicant herein was working as a Staff Nurse in the department of Health and Family Welfare, Govt. of NCT of Delhi at Lal Bahadur Shastri Hospital. Unfortunately, the marital life of the applicant did not go smoothly and his wife filed several cases against him in the Family Court. A criminal case was also filed which was registered as case Crime No. 763/19 u/s 294 (b), 354, 406, 420, 498-a r/w S. 34 I.P.C., Ps. Nedumangadu , Ernakulam. The respondents vide impugned Memorandum dated 05.09.2019, served a notice on the applicant giving him a time of three months to show cause as to why his service may not be terminated as he has been found involved in a criminal case making him unfit for the post.

2. Learned counsel for the applicant has submitted that all the criminal offences, in which the applicant has been falsely implicated are minor offences. He has been involved in criminal case only due to marital disputes by his wife. Now all the disputes have been amicably settled between them. The applicant had filed a writ petition



before the Hon'ble High Court of Kerala for quashing of the FIR, which is pending and the wife has filed an affidavit before the Hon'ble High Court of Kerala in aforesaid Writ Petition (Criminal M.C. No. Nil of 2019) to the effect that she has no objection in quashing of the FIR.

3. A copy of the affidavit filed before the Hon'ble High Court of Kerala by the wife of the applicant has been placed before us, which shows that now no grievance or claim is left between husband and wife and the wife has expressed her no objection if the FIR lodged by her against the applicant, is quashed by the Hon'ble High Court.

4. Considering all the facts and circumstances of the case, no useful purpose is going to be served in keeping this matter pending and we are of the view that it may be finally disposed of at this stage with the directions to the respondents to reconsider the case of the applicant in wake of the new development and the likelihood that all the disputes have been settled between the husband and wife by way of settlement, the FIR may be quashed by the Hon'ble High Court.

5. Learned counsel for the respondents has submitted that an email sent by the applicant has already been

received by the respondents and they are ready to reconsider the matter of the applicant.



6. In view of the above, we dispose of this OA with a direction to the applicant to make a fresh representation within a period of four weeks from today along with a copy of this order before the Respondent Nos. 2 & 3, annexing all the relevant documents regarding settlement between the husband and wife and no objection of wife in quashing the FIR of criminal case. The respondents are directed to reconsider the matter of the applicant in the wake of the aforesaid facts and circumstances within a period of four weeks thereafter.

7. The applicant has liberty to take recourse to appropriate remedy, if any grievances subsist.

8. With these directions, the OA is disposed of.

9. No costs.

Order **dasti**.

(PRADEEP KUMAR)
MEMBER (A)

(JUSTICE VIJAY LAKSHMI)
MEMBER (J)

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