

(2020) 10 CAT CK 0056
In the Central Administrative Tribunal
Case No : Original Application No. 1443 Of 2020

D.V. Singh

APPELLANT

Vs

Commissioner & Others

RESPONDENT

Date of Decision : 05-10-2020

Acts Referred:

Citation : (2020) 10 CAT CK 0056

Hon'ble Judges : L. Narasimha Reddy, J; Mohd. Jamshed, Member (A)

Bench : Division Bench

Advocate : Harvinder Oberoi, R.K. Jain

Final Decision : Disposed Of

Judgement

L. Narasimha Reddy, J

1. The applicant is working as Junior Engineer in the Municipal Corporation of Delhi. On 16.01.1996, he was suspended from service, on account of his being an accused in the criminal case, involving offences punishable under the Prevention of Corruption Act, 1988. The Trial Court convicted him on 21.01.2000. Taking the same into account, the Disciplinary Authority dismissed the applicant from service on 13.03.2001.

2. The applicant preferred an appeal before the Hon'ble High Court of Delhi against the judgment of conviction and sentence. The Criminal Appeal was allowed on 29.11.2018. On an application submitted by the applicant enclosing the copy of the judgment, the 1st respondent Corporation to which he since came to be allotted, reinstated him into service.

3. The applicant made representations on 03.06.2020 and 24.06.2020 with a prayer to regularise the period of his suspension and to extend him the consequential benefits. His grievance is that no action is taken thereon.

4. We heard Ms. Harvinder Oberoi, learned counsel for applicant and Shri R.K. Jain, learned counsel for respondents at the stage of admission.

5. The initial suspension and the subsequent dismissal of service of the applicant was on account of his involvement in a criminal case and the judgement of the Trial Court. Once the applicant was acquitted by the Hon'ble High Court, respondents have reinstated him into service. In the context of treating the period of suspension and to extend the other benefits the relevant rules need to be followed. Another aspect is the question as to whether any appeal is pending before the Hon'ble Supreme Court, against the judgement of the High Court needs to be taken into account. The representation made by the applicant cannot be kept pending for a long time.

6. We, therefore, dispose of the OA, directing the 2nd respondent to pass orders on the representation submitted by the applicant, within a period of two months from the date of receipt of a copy of this order.

There shall be no orders as to costs.