

(2021) 04 CAT CK 0072

In the Central Administrative Tribunal

Case No : Original Application No. 912 Of 2021

Papu Ram Nagar

APPELLANT

Vs

South Delhi Municipal Corporation

RESPONDENT

Date of Decision : 28-04-2021

Acts Referred:

Citation : (2021) 04 CAT CK 0072

Hon'ble Judges : A. K. Bishnoi, Member (A); Ashish Kalia, Member (J)

Bench : Division Bench

Advocate : Raj Kumar Bhartiya, Anupama Bansal

Final Decision : Disposed Of

Judgement

Ashish Kalia, Member (J)

1. Heard.

2. The brief facts of the case are that the applicant was dismissed from service by the respondents on 30.6.2016 after holding a preliminary inquiry. It

was found that the ST caste certificate submitted by him is not valid under the law. Thereafter, vide orders dated 13.11.2019 and 5.11.2019

(Annexure A-8), the applicant's aforesaid termination order dated 30.6.2016 was withdrawn and he had been posted as Principal with the

respondent. Later on the respondent decided to hold a departmental inquiry against the applicant and a chargesheet was issued to him. The applicant

has made a representation on 24.2.2020 (Annexure A-2) against the aforesaid chargesheet which is not decided till now by the respondents.

3. Ms. Anupama Bansal, learned counsel for the respondents, who appears on advance information, accepts notice. Ms. Anupama Bansal, learned

counsel for the respondents, submits that applicant is not joining enquiry. He

should be directed to participate in disciplinary enquiry.

4. After hearing both sides, we are of the considered view that this matter can be disposed of at the admission stage itself with a direction to the

respondent/competent authority to decide the applicant's aforesaid representation after considering the material placed by him on record by

passing a reasoned and speaking order as early as possible and in any case within a period of four weeks from the date of receipt of a copy of this

Order and the same shall be communicated to the applicant. We order accordingly.

5. In case, the applicant is not satisfied after receipt of the decision of the respondent/competent authority, he may file another OA in accordance with

law, if so advised.

6. However, it is made clear that while disposing of the present OA, we have not gone into the merit of the case.

7. The OA is disposed of at the admission stage itself in the aforesaid terms. No costs.