(2018) 08 CAT CK 0035

In the Central Administrative Tribunal

Case No : Miscellaneous Application No. 2065 Of 2018, Original Application No. 131 Of 2015

Rakesh Tyagi — APPELLANT

Vs

GNCT Of Delhi And Ors — RESPONDENT

Date of Decision : 29-08-2018

Acts Referred:

Citation : (2018) 08 CAT CK 0035

Hon'ble Judges : V. Ajay Kumar, J;Praveen Mahajan, Member (A)

Bench : Division Bench

Advocate : Sourabh Ahuja, Ruchira Gupta

Final Decision : Dismissed

Judgement

V. Ajay Kumar, J

1. The applicant, a Conductor in the respondent-Delhi Transport Corporation (DTC), filed the OA No. 131/2015 seeking quashing of the inquiry report, penalty order dated 28.01.2014 whereunder a penalty of stoppage of 2 increments with cumulative effect, treating the suspension period of the applicant from 09.07.2010 to 15.11.2010 as not spent on duty was imposed, the appellate order dated 02.04.2014 and the review order dated 10.07.2014 and to accord all consequential benefits. The reliefs prayed in the OA are as under:-

"(a) Quash and set-aside the inquiry report (to limited extent) November/ December, 2013, penalty order dated 28.01.2014, appellate authority order dated 02.04.2014 and revisionary authority order dated 10.07.2014, and accord all consequential benefits viz. arrears, promotion, seniority, financial up-gradations etc. to the applicant.

(b) Direct the respondents to treat the suspension period of the Applicant as spent on duty for all intents and purposes with all consequential benefits viz. interest at the rate of 12% of the arrears.

(c) Award cost in favor of the Applicant and against the respondents.

(d) Any other order/orders which this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case."

2. This Tribunal, after hearing both sides, and having noticed that the inquiry proceedings as well as the impugned orders were cryptic and sans reason, quashed the same by order dated 20.03.2018 as under:-

"16. In view of the foregoing, we set aside the impugned orders dated 28.01.2014 of the Disciplinary Authority, order dated 02.04.2014 of the Appellate Authority and the order dated 10.07.2014 of the Revisionary Authority. The respondents are directed to hold the enquiry afresh, as per law. This may be done within a period of four months from the date of receipt of a certified copy of this order. The O.A. is accordingly allowed. No costs".

3. The applicant in the OA, filed the instant MA No.2065/2018 seeking to clarify the judgment dated 20.03.2018 in OA No.131/2015 to the extent that the applicant is also entitled for all the consequential benefits "viz. releasing of 2 increments and arrears, suspension period be treated as spent on duty etc.".

4. Heard Shri Sourabh Ahuja, learned counsel for the applicant and Ms. Ruchira Gupta, learned counsel for the respondents and perused the pleadings on record.

5. In our considered view, the order dated 20.03.2018 in OA No.131/2015 does not require to be clarified as there was no confusion or ambiguity. It is the settled law that in any of the legal proceedings, if more than one relief is prayed, and that the Court/Tribunal disposes of the same in a particular manner, whatever specifically granted are only to be considered and whatever not granted are deemed to have been rejected. Similarly, if certain orders which were impugned in the OA were quashed, it is implied that the same were quashed with all consequential benefits, unless the consequential benefits were specifically denied. However, what are those consequential benefits, is dependent on the nature of the orders which were quashed and the facts and circumstances of each case. It is for the parties to act in terms of the orders of the Tribunal, in accordance with law.

6. In the circumstances and for the aforesaid reasons, we do not find any merit in the MA and accordingly the same is dismissed. No costs.

