
(2021) 04 CAT CK 0018

In the Central Administrative Tribunal

Case No : Original Application No. 100, 756 Of 2020

Vivekanand Sharma

APPELLANT

Vs

Lt. Governor, Delhi & Others

RESPONDENT

Date of Decision : 06-04-2021

Acts Referred:

Central Civil Services (Pension) Rules, 1972 — Rule 48, 56(j)

Citation : (2021) 04 CAT CK 0018

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

Bench : Division Bench

Advocate : P. C. Mishra, Esha Mazumdar

Final Decision : Disposed Of

Judgement

L. Narasimha Reddy, J

1. The applicant joined the services of Govt. of NCT of Delhi as Inspector Sales Tax in the year 1988. He was promoted to the post of Superintendent in the year 1996 and thereafter as adhoc DANICS in the year 2007. He held various posts, such as Superintendent, Sub-Divisional Magistrate (SDM), VAT Officer and Employment Officer. He was placed under suspension through order dated 17.06.2009, since he was in judicial custody for three days, in connection with a criminal case. The suspension was revoked on 16.12.2010. Thereafter, he was issued a charge-sheet in the criminal case on 17.04.2014 and charges were framed. Disciplinary proceedings were also initiated against him, and they are pending.

2. The competent authority passed an order dated 31.10.2019, retiring the applicant on compulsory basis invoking Rule 56(j) and Rule 48 of CCS (Pension) Rules, 1972, on completion of 50 years of age. The applicant filed a representation/review dated 19.10.2019 against the said order to the Lt. Governor. When the same was pending, he filed this O.A. challenging the compulsory retirement order dated 31.10.2019.

3. On their part, the respondents filed a detailed counter affidavit to justify their action.
4. Today, we heard Mr. P.C. Mishra, learned counsel for the applicant and Ms. EshaMazumdar, learned counsel for the respondents.
5. We would have certainly gone into the merits of the case, but for the fact that a review sought by the applicant is still pending. The Reviewing Authority would be in a position to take the relevant facts into account and grant the relief, depending upon their satisfaction or otherwise.
6. We, therefore, dispose of the O.A., directing the authority, before which the review of the applicant is pending, to pass appropriate orders thereon, within four weeks from the date of receipt of a copy of this order. There shall be no order as to costs.