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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Judgment dated: 30th August, 2016

+ W.P.(C) 7641/2016

SATPAL

..... Petitioner

Through : Mr. Arvind Kumar Gupta, Advocate.

versus

UNION OF INDIA AND ORS

..... Respondents

Through : Mr. Arun Kumar Bhardwaj, CGSC
with Mr. Abhishek Khanna,
Mr. Mimansha Bhardwaj, Advocates
for R1 to 4.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI
HON'BLE MR. JUSTICE I.S.MEHTA

G.S.SISTANI, J (ORAL)

CM No. 31482/2016 (Exemption)

Exemption allowed subject to all just exceptions.

The application stands disposed of.

W.P.(C) 7641/2016

1. Challenge in this writ petition is to the order dated 4th December, 2015 passed by the Central Administrative Tribunal (in short the 'Tribunal'), by which OA filed by the petitioner stands dismissed on the ground of delay and laches.

2. The facts of the case, very briefly, are that the petitioner was working as a 'Nursing Attendant' in Safdarjung Hospital. On account of

unauthorized leave of 1229 days, a charge sheet was issued on 22.07.2002. An inquiry was conducted and vide report dated 18.06.2007, the Inquiry Officer held the charges to have been proved. Based upon the findings of the Inquiry Officer, the Disciplinary Authority imposed a penalty of compulsory retirement by its order dated 24.12.2007. The petitioner, thereafter, filed an appeal and the same was dismissed on 12.06.2008. The petitioner then preferred a revision petition which was dismissed on 06.02.2009. A review petition was filed which was also dismissed and the order was communicated to the petitioner through communication dated 04.11.2010. Subsequently, another review petition was filed by the petitioner which was also dismissed on 08.02.2011 and communicated by a letter dated 18.04.2011. The petitioner alleges that the order on the second review was received by him only on 03.04.2013 pursuant to an RTI application filed by him.

3. Aggrieved, the petitioner finally approached the Tribunal by filing of the OA No. 4415/2013 on 16.12.2013. The Tribunal observing that there is no permission for filing a second review petition and consequently the period of limitation can be inferred from the intimation of dismissal of first review petition, dismissed the OA as being barred by delay of more than 2 years. Hence, the present writ petition has been filed.

4. After some hearing in the matter, Mr. Gupta, learned counsel for the petitioner submits that he does not press the matter on merits but prays that a direction be issued to the respondents to release the consequential benefits due to him post the order of compulsory retirement as the same have not been released to him.

5. Mr. Bhardwaj, learned Standing Counsel for UOI, who enters

appearance on advance copy, submits that he is not aware as to whether the consequential benefits have been released to the petitioner or not; but whatever are the consequences of the order, the petitioner should have been given the necessary benefits in accordance with law.

6. Heard. In view of the stand taken by counsel for the petitioner, the writ petition is dismissed as not pressed. Since none of the counsels are sure as to whether the consequential benefits have been released to the petitioner or not, we direct the respondents to examine the case of the petitioner and in case, the consequential benefits have not been released, the same shall be released to him expeditiously in accordance with law.

7. The writ petition is disposed of in the above terms.

G.S.SISTANI
(JUDGE)

I.S.MEHTA
(JUDGE)

AUGUST 30, 2016

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