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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 5737/2017

DELHI TRANSPORT CORPORATION Petitioner
Through: Mr. L.K. Passi, Advocate.

versus

VINOD KRISHAN AGARWAL Respondent
Through: None.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **11.07.2017**

C.M. No. 23901/2017 (exemption)

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

W.P. (C) No.5737/2017 & C.M. No. 23900/2017

1. The petitioner Delhi Transport Corporation is aggrieved by the order dated 18.10.2016 passed by the Central Administrative Tribunal in O.A. No.2676/2015 preferred by the respondent.

2. The Tribunal has disposed of the said Original Application by directing that the petitioner/Department should conclude the departmental inquiry proceedings and pass a final order in terms of Delhi Road Transport Authority (Conditions of Appointment & Services) Regulations, 1952 within a period of three months from the date of receipt of copy of the order. The

Tribunal also directed release of leave encashment benefits to the respondent within a period of one month from the receipt of copy of the order since there was no impediment in terms of Rule 9 CCS (Pension) Rules, 1972.

3. The respondent is facing a criminal trial and on the basis of same he is also facing a departmental inquiry. So far as the departmental inquiry is concerned, the Inquiry Officer has already formulated a report and submitted the same to the Disciplinary Authority. However, the same has not been finalised by the Disciplinary Authority and the reason given therefor is that the criminal trial is still in progress.

4. The petitioner is aggrieved by the impugned order insofar as it directs conclusion of the departmental proceedings and passing of the final order by the Disciplinary Authority within three months of the date of the order.

5. The grievance of the petitioner is that even if final order is passed by the Disciplinary Authority, the pension and gratuity of the respondent cannot be released since the criminal trial is also pending. So far as release of leave encashment pension is concerned, the order of the Tribunal stands complied with.

6. Though there is merit in the submissions of the learned counsel for the petitioner that till the conclusion of the criminal proceedings, the pension and gratuity of the respondent cannot be released, that by itself is no justification for not concluding the departmental proceedings particularly when the inquiry has been concluded by the Inquiry Officer and report submitted. Now, the ball is in the court of Disciplinary Authority to act on the said inquiry report.

7. In these circumstances, we are not inclined to interfere with the impugned order. The period granted by the Tribunal for completing the departmental proceedings and passing of the final order is extended for a period of three months from today.

The petition stands disposed of.

Dasti.

VIPIN SANGHI, J

REKHA PALLI, J

JULY 11, 2017

srb