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

+ W.P.(C) 7364/2014 & CM APPL. 17223/2014

NATIONAL COUNCIL OF EDUCATION RESEARCH &
TRAINING

..... Petitioner

Through Mr. Anand Nandan, Advocate with
Mr. M. Harsh Kumar, Secretary,
NCERT.

versus

PARASH RAM & ORS

..... Respondents

Through Mr. M. K. Bhardwaj, Adv. for R-1 to
R-4 alongwith R-1, 2 & 4 are in
person.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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15.01.2019

1. The petitioner has preferred the present writ petition assailing the order dated 12.08.2014 passed by the Central Administrative Tribunal (CAT) in OA No. 2741/2013.
2. The said OA had been preferred by the four respondents herein. The Tribunal, vide the impugned order, allowed the OA and directed quashing and setting aside the order passed by the Competent Authority on 01.08.2013, by which all the four respondents herein were suspended. The Tribunal issued directions to the petitioner to pass appropriate orders within 15 days from the date of receipt of the order. The petitioner has complied with the order in respect of respondent nos. 1, 2 and 3 i.e. Sh. Parash Ram, Sh. Ravinder Singh and Sh. Ranbir S. Parashar. So far as respondent no.4

Sh. Ved Prakash is concerned, the submission of the learned counsel for the petitioner is that his services had been terminated on 17.04.2014 i.e. prior to the passing of the impugned order and consequently, there was no question of recalling of his suspension since he already stood terminated.

3. We have heard the learned counsel for the petitioner as well as the respondent no.4 in person. Learned counsel for the respondent no. 4 does not dispute the fact that the services of the respondent no.4 were terminated on 17.04.2014. At the same time, he submits that the said termination is illegal and an OA has been preferred against the said termination before the Tribunal.

4. In our view, since the services of the respondent no.4 were terminated on 17.04.2014, the petitioner, possibly, could not have implemented the directions issued by the Tribunal. We therefore clarify that the directions given by the Tribunal are limited only to the respondent nos. 1, 2 and 3 and could not relate to respondent no.4, since he stood terminated on 17.04.2014.

5. The petition stands disposed of accordingly.

VIPIN SANGHI, J

A. K. CHAWLA, J

JANUARY 15, 2019

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