



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

% *Date of decision: October 19, 2023*

(3) + W.P.(C) 12233/2023, CM APPL. 48094/2023 & 48095/2023

BHAGWAT SINGH

..... Petitioner

Through: Mr. Ahmad Parvez, Mr. Humnashin
Ahmad and Mr. Imran Alam, Advs.

versus

GOVT. OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Soumitra Chatterjee, Adv. for R2

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

V. KAMESWAR RAO, J. (ORAL)

CM APPL. 48095/2023

Allowed, subject to just exceptions.

Application disposed of.

W.P.(C) 12233/2023 & CM APPL. 48094/2023

1. This petition has been filed by the petitioner challenging the order of the Central Administrative Tribunal dated January 05, 2023 in CP-3/2023 in O.A. 3240/2014 with a further prayer for release of retiral benefits.
2. During the course of hearing, it transpires that Delhi Transport Corporation ('DTC', for short) had removed the petitioner from service with effect from July 10, 2012. The case of the petitioner is that he had filed a departmental appeal with the DTC which has not been disposed of. The



petitioner had approached the Tribunal in an earlier round of litigation being O.A. 3240/2014 which was disposed of stating as under:-

“Heard learned proxy counsel for applicant.

2. The applicant, in this OA, was appointed as Driver with the respondent-Corporation. A charge-sheet was issued by the respondent against the applicant alleging that he is guilty of availing excess leave. Show cause notice .was issued to the applicant and he has filed his reply thereto. However, he has been removed from services. He filed an appeal dated 03.01.2013 but when the said appeal was not decided even after the lapse of nearly one year and eight months, he sent a reminder dated 18.07.2013 to the Regional Manager requesting that his pending appeal may be decided.

3. It appears from the pleadings in this OA that the applicant has filed an appeal on 03.01.2013 and the same is pending since then and no order has yet been passed in the said appeal.

4. OA cannot, therefore, be admitted at this stage under Section 20 of the Administrative Tribunals Act, 1985. In the circumstances, since appeal is pending for a long time, we direct the respondents, at the competent level, to dispose of the pending appeal within a period of 3 months from the date of. If receipt of a copy of this order and pass a reasoned and speaking order under intimation to the applicant.

5. OA is disposed of with afore-noted directions. No costs.”

3. For non-compliance of the order, the petitioner had filed a contempt petition being CP 03/2023, wherein, the present impugned order has been passed.

4. The case of the respondents before the Tribunal in the contempt petition was that they have filed a review petition seeking review of the



order passed by the Tribunal in O.A. 3240/2014 on September 16, 2014. An issue arose whether review petition is actually filed by the DTC before the Tribunal.

5. Be that as it may, the Tribunal has closed the contempt proceedings to await the outcome of the review petition.

6. Without going into rival contentions, we direct the DTC to dispose of the appeal (seen at pages 63 and 64 of the paper book). The DTC shall dispose of the appeal within a period of six weeks from today. Any order to be passed by the respondents on the appeal, if it is to the prejudice of the petitioner, the petitioner can seek such remedy as available in law.

7. The petition is disposed of.

8. In view of this order, the pending application has become infructuous.

V. KAMESWAR RAO, J

ANOOP KUMAR MENDIRATTA, J

OCTOBER 19, 2023/ds