

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

+ **W.P. (C.) No.25/2010**

% **Date of Decision: 06.01.2010**

Sh.J.S. Verma Petitioner
Through Mr.V.P.S. Tyagi, Advocate

Versus

Union of India & Others Respondents
Through Nemo.

CORAM:

HON'BLE MR. JUSTICE ANIL KUMAR

HON'BLE MR. JUSTICE MOOL CHAND GARG

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| 1. | Whether reporters of Local papers may be allowed to see the judgment? | YES |
| 2. | To be referred to the reporter or not? | NO |
| 3. | Whether the judgment should be reported in the Digest? | NO |

ANIL KUMAR, J. (ORAL)

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CM No.47/2010

This is an application seeking condonation of delay in re-filing the petition.

For the reasons stated in the application, it is allowed. Delay in refiling the petition is condoned. The application is disposed of.

W.P. (C.) No.25/2010

The petitioner challenges the order dated 4th September, 2008 in OA No.1842 of 2008 passed by the Central Administrative Tribunal,

Principal Bench, New Delhi titled Shri J.S. Verma v. Union of India and others, dismissing his petition seeking quashing of order dated 25th June, 2008 passed by the reviewing authority, viz., the President and direction to the respondents to pay arrears of pay and allowances with interest at the rate of 18% per annum and to release the payment of withheld TA/DA.

The Major penalty proceedings were initiated against the petitioner on account of submitting false TA/DA and using derogatory and evasive replies. An inquiry officer was appointed to conduct detailed inquiry in respect of charges made against him. Pursuant to the inquiry report, the defence of the petitioner presented on 21st December, 1998 and 16th July, 1999 were considered and by order dated 15th September, 1999, the disciplinary authority imposed the punishment of reduction of pay by three stages in the time scale of pay till the date of his retirement on 31st July, 2000.

The major penalty imposed on the petitioner was modified in appeal by order dated 15th December, 2003, whereby the penalty was modified to the extent of reduction of pay by three stages in time scale with effect from 15th September, 1999 to 29th July, 2000 with the condition that the petitioner would not earn increment of pay during such reduction and such reduction would have the effect of postponing of his future increment of pay.

Against the imposition of major penalty, protracted litigation had been filed by the petitioner which has been considered by the Tribunal in detail. The Tribunal has noted that against the order of the appellate authority dated 15th December, 2003, the petitioner had filed a petition seeking modification of pension after two years and five months. By considering different petitions filed by the petitioner, it has been inferred that the intention of the petitioner has been to prolong the litigation in one way or the other. The Tribunal has noted that the claim of the petitioner was hopelessly barred by limitation, still on merits the pleas of the petitioner were considered and rejected.

Learned counsel for the petitioner has contended that the order dated 15th December, 2003 was passed in revision and not in the appeal. This may not be material as by order dated 4th September, 2008, the petition against the order dated 25th June, 2008 has been disposed of. The petitioner had challenged the order on the basis of denial of principle of natural justice, however, no details were given by the petitioner whereby the principle of natural justice were denied to him except making generic allegations.

Learned counsel for the petitioner has failed to disclose any ground on the basis of which the order dated 4th September, 2008 can

be faulted in the facts and circumstances. For the foregoing reasons, there is no merit in the writ petition and it is, therefore, dismissed.

ANIL KUMAR, J.

JANUARY 06, 2010

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MOOL CHAND GARG, J.