

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

O.A. NO. 80/2002

This the 15th day of January, 2002.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI S.K.AGARWAL, MEMBER (A)

B.K.Srivastava S/O S.S.Lal,  
R/O 143, Arjun Nagar, S.J.Enclave,  
New Delhi-110029.

... Applicant

( By Shri H.B.Mishra, Advocate )

-versus-

1. Government of National Capital Territory of Delhi through its Chief Secretary, Players Building, I.P.Estate, New Delhi.
2. Director of Employment, 2, Battery Lane, Delhi-110054.
3. Sub-Regional Employment Officer, Delhi University, Delhi-110007.
4. District Employment Officer, District Employment Exchange (Central), Curzon Road, New Delhi-110001.
5. Assistant Director (VG/EMI), Directorate of Employment, Pusa, New Delhi-110012. ... Respondents

O R D E R (ORAL)

Hon'ble Shri Justice Ashok Agarwal :

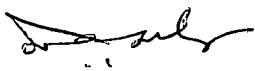
An order of penalty of 14.12.2001 imposed upon the applicant in disciplinary proceedings conducted against him is sought to be impugned by the present OA. By the order, a penalty of reduction of pay by three stages in the time scale of pay of Rs.3050-4590 for a period of three years with a direction that he will not earn increments of pay during the period of reduction and that on the expiry of this period, the reduction will have the effect of postponing his future increments of pay, has

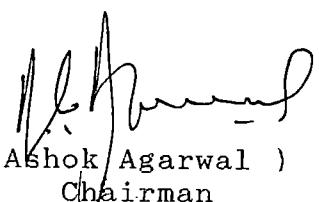
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been imposed upon the applicant. Further a sum of Rs.1,60,694/- unlawfully drawn as subsistence allowance by furnishing false certificates has been directed to be recovered from the applicant. The order further provides that his period of suspension from 3.11.1983 to 21.10.1984 shall be treated as period spent on duty, but the period from 22.10.1984 to 4.8.1997 will not be treated as period spent on duty.

2. Aforesaid order, we find, is an appealable order. Applicant has approached this Tribunal without exhausting the aforesaid departmental remedy. Provisions of Section 20 of the Administrative Tribunals Act, 1985 will, therefore, act as a bar. In the circumstances, <sup>well</sup> applicant could be well advised to exhaust the aforesaid remedy before approaching the Tribunal. It goes without saying that applicant will be entitled to raise all the contentions raised in the present OA as also others which may be available to him, in the appeal. It also goes without saying that he will be entitled to approach this Tribunal once again should the orders passed in appeal/~~revision~~ are not favourable to him. In the event of the applicant preferring an appeal, as suggested herein, the appellate authority will proceed to dispose of the same as expeditiously as possible.

3. The OA, in the circumstances is dismissed in limine. Prayer made for stay of the recovery directed by the impugned order is rejected.

  
( S.K. Agarwal )  
Member (A)

  
( Ashok Agarwal )  
Chairman

/as/