

(1)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.2035/2002

Monday, this the 5th day of August, 2002

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri S.A.T. Rizvi, Member (Admn.)

Narender Kumar Singh son of Shri S.P.Singh
Presently resident of W.B.82 Shallor Pur, Near
Laxmi Nagar, East Delhi-92, last employed as Asstt.
Director, HO Office of Textile Commissioner
Ministry of Textile, Govt. of India, CGO
Complex, New Marine Lane, Post Box No.115011
Mumbai - 20

..Applicant

(By Advocate: Shri Son Pal Singh)

Versus

1. Govt. of India through Secretary,
Ministry of Textiles,
Udyog Bhavan, New Delhi
2. Textiles Commissioner,
Ministry of Textiles
Govt. of India, CGO Complex,
48, New Marine Lines, Mumbai -20

..Respondents

O R D E R (ORAL)

Shri S.A.T. Rizvi:

The applicant, who was appointed as Assistant Director Grade II (P&D) on 24.12.1996 in the revised pay grade of Rs.6500-10500/-, was placed on probation for a period of two years. The aforesaid period was extended twice, by one year on each occasion. Meanwhile, a charge-sheet dated 5.10.1999 was served on him and regular departmental proceedings were conducted in the matter. The disciplinary authority removed him from service by his order dated 20.2.2001. The aforesaid order indicated that the applicant was free to file a departmental appeal before the Secretary Textiles, Ministry of Textiles, Govt. of India, Mumbai within a period of forty five days. Following this, the applicant filed a departmental appeal through the disciplinary authority to Secretary Textiles,

2

(3)

(2)

Ministry of Textiles, Govt. of India, Mumbai. The aforesaid appeal is yet to be disposed of.

2. The learned counsel appearing on behalf of the applicant submits that the disciplinary authority has, on flimsy grounds, refrained from forwarding his departmental appeal to the appellate authority, namely, Secretary Textiles, Govt. of India. One of the grounds advanced by the disciplinary authority is that the original copy of the appeal filed by the applicant had not been received by him. A perusal of the correspondence placed on record shows that the same disciplinary authority has examined the departmental appeal filed by the applicant and a copy of the comments made by him in respect of various pleas raised by the applicant in the departmental appeal has been supplied to the applicant. In the circumstances, according to the learned counsel, nothing should have prevented the disciplinary authority from forwarding a copy of the aforesaid comments to the correct appellate authority as well to enable the latter to consider and dispose of the appeal. He has, however, not done so. As seen from the respondents' letter of 28.5.2002 (page 104 of the paper book), instead of forwarding the applicant's appeal as above to the correct appellate authority, the respondents have once again reiterated that they never received the original copy of the appeal from the applicant. After the aforesaid letter was received, the applicant has served a notice on the respondent-authority on 6.6.2002 (page 105 of the paper book). The aforesaid notice has been disposed of by the respondent-authority by saying that it was nothing but a repetition of the

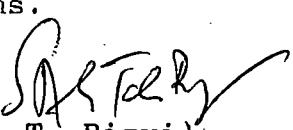
2

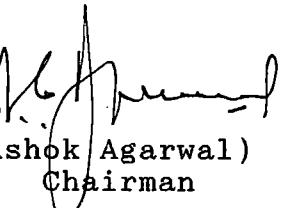
previous representations filed on behalf of the applicant, further saying that the matter had already been clarified in the respondents' letter of 28.5.2002 (page 104 of the paper book). The net result is that the departmental appeal filed by the applicant still remains to be considered by the correct appellate authority and disposed of.

3. We have considered the submissions made by the learned counsel and find that the interest of justice will be duly met by disposing of the present OA at this very stage even without issuing notices by directing the respondents as follows:-

4. The departmental appeal filed by the applicant will be forwarded by the disciplinary authority to the correct appellate authority expeditiously and in any event within a period of fifteen days from the date of receipt of a copy of this order. The appellate authority will in turn consider and dispose of the appeal by passing a reasoned and a speaking order within a period of one month thereafter.

5. The present OA is disposed of in the aforesated terms.


(S.A.T. Rizvi)
Member (A)


(Ashok Agarwal)
Chairman

/sunil/