



CENTRAL ADMINISTRATIVE TRIBUNAL

CHANDIGARH BENCH

(CIRCUIT BENCH AT SHIMLA)

O.A.NO.063/00198/2020

Chandigarh, this the 28th day of February, 2020

**HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)
HON'BLE MS. NAINI JAYASEELAN, MEMBER (A)**

V. Sekar S/o Late Sh. G. Vaikundam, aged about 57 years, Group-D, R/o House No. 112/A, 1st Floor Bogadi, Village Mysore, Karnatka.

Applicant

**(BY: MR. SANJEEV BHUSHAN, SR.ADVOCATE
WITH MR. RAJESH KUMAR, ADVOCATE)**

Versus

1. Union of India through Ministry of Human Resource Development, Government of India, Room No. 107-D Wing, Shastri Bhawan, New Delhi-110001.
2. Central Tibetans School Administration, ESS ESS Plaza Plot No.1, Community Centre, Section-03, Rohini, Delhi-110085 through its Director
3. U.N. Singh (Inquiry Officer) S.K. Vihar Colony, Beur, Patna-800002.

**(BY: MR. NEERAJ KUMAR GUPTA, SR. ADVOCATE,
WITH MR. PRANJAL MUNJAL, ADVOCATE)**

Respondents



O R D E R(Oral)
[HON'BLE SANJEEV KAUSHIK, MEMBER (J)]

1. The applicant has approached this Tribunal challenging validity of the order dated 12.12.2019 (Annexure A-1), vide which penalty of reduction to a lower post and grade of Senior Secretariat Assistant (Previously Upper division Clerk) in Pay Matrix of level 4 of 7 CPC has been imposed upon him and challenge is also made to enquiry report dated 16.7.2019 (Annexure A-2).
2. When the case was taken up for motion hearing, Mr. Neeraj Kumar Gupta, Senior Advocate, with Mr. Pranjal Munjal, Advocate, submitted that O.A. is not maintainable in its present form as the impugned order, Annexure A-1, is appealable and applicant has approached this Tribunal without availing departmental remedies available to him and as such it be dismissed in limine.
3. At this, learned counsel for the applicant submitted that earlier, Chairman was also holding the charge of Director (Disciplinary Authority) and as such he did not file any appeal against the indicated order



and now the delay would come in way of the applicant for filing an appeal.

4. Be that as it may, learned counsel for the applicant seeks and is allowed permission to withdraw this O.A with liberty to the applicant to file an appeal against the impugned order, Annexure A-1, to the competent authority along with application for condonation of delay within two weeks from the date of receipt of a certified copy of this order. If such an appeal with condonation application is filed, the competent authority is directed to consider and decide the same on merit, by passing a reasoned and speaking order, expeditiously, but not later than two months from the date of receipt of appeal/application.

5. The O.A. shall stand dismissed as withdrawn, with the aforesaid observations. No costs.

(NAINI JAYASEELAN)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Place: SHIMLA
Dated: 28.02.2020

HC*