

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

(2)

OA NO. 3148/2001

New Delhi, this the 21st day of November, 2001

HON'BLE SH. V.K.MAJOTRA, MEMBER (A)  
HON'BLE SH. KULDIP SINGH, MEMBER (J)

M.S.Goel  
S/o Sh. Nand Kishore Goel,  
R/o 14, Vaishali Apartments,  
Vikaspuri, New Delhi-110018. .... Applicant

(By Advocate: Sh. A.K.Behera)

Versus

1. Union of India through  
The Secretary, Ministry of Home Affairs,  
North Block, New Delhi.
2. Chief Secretary,  
Govt. of NCT of Delhi,  
5, Sham Nath Marg, Delhi-110054.
3. Principal Secretary (Planning),  
1, Kirpa Narain Marg,  
Delhi-110054.
4. Directorate for the Welfare of SC/ST,  
through its Secretary, Govt. of NCT of Delhi  
Old Secretariat,  
Delhi. .... Respondents

O R D E R (ORAL)

By Sh. V.K.Majotra, Member (A)

Heard counsel for the applicant. The applicant has challenged penalty of reduction of pay by one stage in the time scale of pay for a period of 2 years w.e.f. 1.11.2001 and withholding of increments during the said period imposed upon him vide order dated 18.10.2001 (Annexure A-1). The applicant had earlier challenged order dated 15.6.98 wherein penalty of reduction of pay by one stage in the time scale of pay for a period of 2 years w.e.f. 1.7.98 had been imposed upon the applicant along with withholding of increments. That OA, namely, OA-2351/2000 was disposed of vide order dated 1.8.2001 allowing the OA and setting aside the order of disciplinary authority as well as the order in appeal. The applicant was

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held entitled for all consequential benefits. However, it was kept open to the disciplinary authority to take up the proceedings from the stage of issuing notice to applicant after recording tentative reasons for disagreement and also keeping in view the observations made in Tribunal's order and to pass an order after affording reasonable opportunity to the applicant. Thereafter the respondents issued memorandum dated 18.9.2001 (Annexure A-6) in pursuance of Tribunal's order of 1.8.2001 and finally passed the impugned order dated 18.10.2001. The applicant has sought quashing and setting aside of the impugned order Annexure A-1 and also directions to the respondents to give all consequential benefits including consequential benefits already directed by the Tribunal in OA 2351/2000 along with interest. The applicant has also sought stay of the operation of the impugned order Annexure A-1 dated 18.10.2001. The learned counsel stated that the applicant had made a representation to the respondents on 1.10.2001 (Annexure A-7) stating that earlier order of the Tribunal has not been fully implemented and that the applicant has not been provided the consequential benefits of that order.

2. The learned counsel contended that the applicant has not filed appeal against the impugned order as the Lt. Governor is not empowered to stay the operation of the the impugned order.

3. The applicant had filed his representation pointing out non-implementation of the Tribunal's earlier order to the respondents dated 1.10.2001 and without affording a reasonable period for deciding applicant's application for

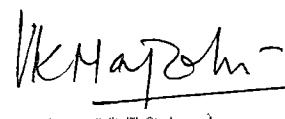
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consequential benefits of this Tribunal's earlier order, the applicant has approached this Court challenging the fresh order Annexure A-1 dated 18.10.2001 and also seeking direction to the respondents to accord him the consequential benefits of the earlier order of the Tribunal. In our view non-filing of the appeal against the impugned order by the applicant seeking quashing of the same and also seeking direction to give consequential benefits in pursuance of orders in the earlier OA are separate causes of action and in the present OA the applicant has sought multiple reliefs, which cannot be entertained. ~~P. b~~ The applicant should have waited for sometime for respondents' decision on his representation dated 1.10.2001, particularly in respect of grant of consequential benefits under order dated 1.8.2001 in OA-2351/2000 and then filed a separate OA before the Tribunal and then sought suitable legal remedy for implementation of Tribunal's earlier order. So far as the relief of quashing of the present impugned order is concerned this OA is premature as the applicant has not filed any appeal against the same and has not exhausted the statutory remedies available to him.

4. Having regard to the reasons discussed above, the OA is dismissed being non-maintainable in limine. No costs.

  
 ( KULDIP SINGH )  
 Member (J)

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 ( V.K. MAJOTRA )  
 Member (A)