

Central Administrative Tribunal, Principal Bench

Original Application No.363 of 1998

New Delhi, this the 28th day of July, 1999

Hon'ble Mr. Justice D.N. Baruah, Vice Chairman
Hon'ble Mr. N. Sahu, Member (Admnv)

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C.L. Sethi, S/o Shri R.D. Sethi, aged
about 58 years, R/o 1A, Bholanath
Nagar, Delhi 110032

- Applicant

(By Advocate - Shri A.K. Behra)

Versus

1. Lt. Governor, National Capital
Territory of Delhi, Raj Niwas,
Delhi 110007

2. The Chief Secretary, Govt. of NCT
of Delhi, 5, Sham Nath Marg,
Delhi-110054

- Respondents

(By Advocate Shri S.K. Gupta)

O R D E R (Oral)

By Mr. N. Sahu, Member (Admnv) -

This application has been filed aggrieved by the order dated 19.1.1996 whereby a penalty of reduction in pay of the applicant by two stages was imposed.


2. The applicant at the relevant time was working in Grade-I of the Delhi Administration Subordinate Service and was at that time posted as Assistant Director of Industries in the Office of Commissioner of Industries, Government of National Capital Territory of Delhi, Delhi. Three articles of charges were framed against him. Thereafter the charges along with the statement of imputation were served on the applicant asking him to show cause as to why the disciplinary action should not be taken against him. The applicant duly replied to the show


cause notice denying the charges. An enquiry was held. The presenting officer appointed by the disciplinary authority was Shri S.P.Jain. He was a Junior Law Officer. According to the applicant Shri Jain was enrolled as an Advocate and, therefore vide Annexure-A-4 dated 4.5.94 he requested the enquiry officer to allow him to be represented by a legal practitioner, otherwise he would be placed in a disadvantageous position. This was, however, turned down. Thereafter the enquiry officer found the applicant guilty and the disciplinary authority agreeing with the conclusion arrived at by the enquiry officer awarded punishment of reduction of pay by two stages. Being aggrieved, the applicant preferred an appeal before the appellate authority on 20.9.1996 (Annexure-A-11). According to the applicant this was not disposed of. Therefore, after the expiry of the period of six months, the applicant approached the Tribunal by filing the present application.

3. Written statement has been filed by the respondents denying the allegations made by the applicant. As regards the receipt of Annexure-A-4 the respondents in reply to para 4.26 of the OA have stated that it is a matter of record. However, in reply to para 4.27 the respondents have stated that "no such request was ever made by the applicant to the Inquiring Authority". As regards the appeal (Annexure-A-11), the respondents have stated that no such appeal has been filed by the applicant.

4. We have heard both the sides. Mr. Behra submits that there was no specific denial about Annexure A-4 and regarding Annexure-A-11 he has drawn our attention to diary no.36 dated 20.9.1996 of the Office of Commissioner of Industries, Ministry of Industries. Thereby he wants to say that the appeal was sent through proper channel and in all probability it reached the appellate authority. As the appeal has not been disposed of and this matter requires going to the factual aspect of the matter, we feel that the matter should be decided by the appellate authority.

✓ As there is some dispute about the receipt of the appeal by the respondents, the applicant shall furnish a copy of the appeal to the counsel for the respondents by this week end and thereafter the appellate authority shall dispose of the appeal by a reasoned order, meeting all the points raised, including the point of legal assistance, as early as possible at any rate within a period of two months from today. If the applicant is still aggrieved, he may revive this O.A. by filing a miscellaneous application. With these directions, the OA is disposed of. No costs.


(N. Sahu)
Member (Admnv)


(D. N. Baruah)
Vice Chairman

rkv.