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...Applicant



... Respondents

- ### ... Respondents

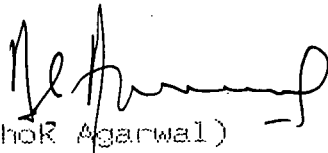


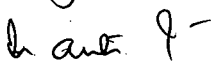
withhold increments of pay for a period exceeding three years or to withhold increments of pay with cumulative effect for any period, an enquiry shall be held in the manner laid down in sub-rules (3) to (23) of rule 14, before making any order imposing on the Government servant any such penalty."

2. Aforesaid rule makes it abundantly clear that the aforesaid penalty of withholding increments with cumulative effect can be imposed only after following the procedure laid down in sub rules (3) to (23) for imposing the major penalty. Since the said procedure has not been followed in the instant case, aforesaid penalty is liable to be quashed and set aside. We order accordingly. It goes without saying that it will be open to the respondents, if they are so advised, to follow the aforesaid procedure and thereafter pass appropriate orders in accordance with law.

5. The impugned order passed on 22.2.1995 as affirmed by the appellate authority by its order passed on 6.2.1996 are quashed and set aside.

4. The present OA is allowed on the aforestated terms. No order as to costs.


(Ashok Agarwal)
Chairman


(Mrs. Shanta Shastri)
Member (A)