

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

O.A. No.1461 of 1996

Dated this 31st day of January, 2000

HON'BLE MR. JUSTICE ASHOK AGARWAL, CHAIRMAN  
HON'BLE MRS. SHANTA SHAstry, MEMBER (A)

K.P. Singh  
S/o Shri Khasay Ram  
R/o A-2/68  
Paschim Vihar  
Delhi-110063

... Applicant

(By Advocate: Shri G.R. Matta)

versus

1. Union of India, through  
Secretary to the Govt. of India  
Ministry of Home Affairs  
New Delhi.
2. The Lt. Governor  
Government of NCT of Delhi  
5, Sham Nath Marg  
New Delhi-110005.
3. The Chief Secretary  
Government of NCT of Delhi  
5, Sham Nath Marg  
New Delhi-110005. ... Respondents

By Advocate: None

O R D E R (Oral)

Hon'ble Mr Justice Ashok Agarwal

A penalty imposed on the applicant of  
stoppage of two annual increments with cumulative  
effect is impugned in the present O.A. The same  
has been imposed without holding a disciplinary  
enquiry against the applicant. Rule 16(1A)  
of the CCS(CCA) Rules provides as under:

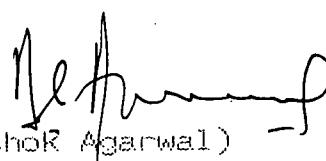
"(1A) Notwithstanding anything  
contained in Clause(b) of sub rule(1), if  
in a case it is proposed after  
considering the representation, if any,  
made by the Government servant under  
clause (a) of that sub-rule, to withhold  
increments of pay and such withholding of  
increments is likely to affect  
adversely the amount of pension payable  
to the Government servant or to

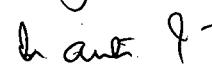
withhold increments of pay for a period exceeding three years or to withhold increments of pay with cumulative effect for any period, an enquiry shall be held in the manner laid down in sub-rules (3) to (23) of rule 14, before making any order imposing on the Government servant any such penalty."

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 aforesated terms. No order as to costs.

  
(Ashok Agarwal)  
Chairman



(Mrs. Shanta Shastri)  
Member (A)