

Central Administrative Tribunal
Principal Bench: New Delhi

OA-1740/2000

This the 9th day of May, 2002

(16)

Hon'ble Shri V.K. Majotra, Member (A)
Hon'ble Shri Shanker Raju, Member (J)

Harkesh,
S/o Shri Bahoo Ram Singh,
R/o D-68, Central Jail,
Tihar, New Delhi.

-Applicant

(By Advocate: Shri G.D. Bhandari)

Versus

Government of NCT, Delhi, through

1. The Chief Secretary,
Old Secretariate,
Delhi.
2. The Director General of Prisons,
Central Jail, Tihar,
Delhi.

-Respondents

(By Advocate: Shri Vijay Pandita)

ORDER (Oral)

Hon'ble Shri Shanker Raju, Member (J)

1. Applicant impugns penalty order dated 5.3.99 (Annexure A-1) wherein after issuance of a minor penalty charge sheet under CCS (CCA) Rules 1965 he has been imposed upon a punishment of with-holding of two increments for a period of two years with cumulative effect. Applicant also assails appellate order dated 5.6.2000 upholding the punishment.

2. Learned counsel of applicant Shri G.D. Bhandari contended that as the punishment imposed upon the applicant is a major penalty defined under Rule-11 of the CCS (CCA) Rules, the same cannot be imposed without following the procedure laid down under Rule-14 of CCS (CCA) Rules, 1965. It is stated that respondents

have issued only a minor penalty charge sheet and have not held any disciplinary proceedings, the penalty is not legally sustainable.

3. Learned counsel of respondents has fairly stated that the disciplinary proceedings and the procedure laid down under Rule-14 of CCS (CCA) Rules 1965 should have been resorted to.

4. Having regard to the admitted facts, we are of the considered view that the action of the respondents to impose upon the applicant a major penalty without following the procedure laid down under Rule-14 and resorting to Rule-16 is not as per the procedure laid down and is not sustainable.

5. In the result, having regard to the discussion made above, the impunged order of penalty dated 5.3.99 as well as the appellate order dated 5.6.2000 are quashed and set aside. Applicant shall be entitled to all consequential benefits. However, it will be open to respondents, if so advised, to take up the appropriate proceedings in accordance with law. No costs.

S. Raju

(Shanker Raju)
Member (J)

V.K. Majotra

(V.K. Majotra)
Member (A)

cc.