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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

OA 1934/2000

New Delhi this the 29th day of September, 2000

Sh. Ved Prakash Sharma
S/O Sh. Shiv Lal Sharma
Employed as L.S.G. Postal
Assistant in Kalanaur Post
Office under Rohtak Postal
Division, R/O Tikri Border,
Delhi address for service of
notices C/O Sh. Sant Lal, Advocate,
C-21(B), New Multan Nagar, Delhi-56

.. Applicant

(By Advocate Sh. Sant Lal)

Versus

1. Union of India, through the
Secretary, Ministry of
Communications, Deptt. of Posts,
Dak Bhawan, New Delhi-110001
2. The Director Postal Services,
O/O the Chief Postmaster General,
Haryana Circle, Ambala Cantt.
3. The Sr. Supdt. of Post Offices,
Rohtak Division, Rohtak-124001

.. Respondents

O R D E R (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

The applicant is aggrieved by the penalty order passed by the respondents dated 2.2.1999 issued by respondent 3 i.e. Senior Superintendent of Post Offices, Rohtak Division, Rohtak (Annexure A.1). This order has been passed by the respondents after taking departmental action under Rule 16 of the CCS (CCA) Rules, 1965, on the allegation of mis-conduct. They have imposed/penalty of reduction in pay of the applicant by four stages from Rs. 5500/- to Rs. 5000/- for a period of three years w.e.f. 1.2.1999 without cumulative effect. Shri Sant Lal, learned counsel has submitted that against this penalty order dated 2.2.1999, the applicant has

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filed an appeal on 10.3.1999 to the Appellate Authority - Respondent 2. He has submitted that the appeal has been submitted in time and in accordance with law but the respondents have failed to dispose of the appeal as required by them under law. He has also pointed out that the impugned penalty order which is dated 2.2.1999 has imposed the penalty on the applicant from retrospective effect ^{ie. 18/} one day earlier, which is also bad in law. A number of other grounds have also been taken in this appeal to the Appellate Authority filed under ~~18/~~ Rule 23 of the CCS(CCA) Rules, 1965.

2. It is seen from the above facts that the appellate authority has not passed any order under the Rules on the appeal filed by the applicant on 10.3.1999 against the aforesaid penalty order dated 2.2.1999 and more than 16 months have passed since the appeal is pending with them. In the O.A. the applicant has prayed for quashing the penalty order dated 2.2.1999 with a direction to the respondents to restore his pay and grant him other consequential benefits.

3. Having regard to the facts and circumstances of the case, including the fact that ^{the} appeal filed by the applicant is stated to be pending before the appellate authority under the provisions of ^{the} CCS(CCA) Rules, 1965, OA is disposed of with the following directions:-

- (i) The appellate authority shall consider the applicant's appeal as expeditiously as possible, and in any case within six weeks from the

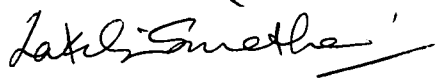
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date of receipt of a copy of this order, in accordance with law, rules and instructions. That authority shall pass a reasoned and speaking order dealing with each of the grounds taken by the applicant in the appeal as well as ^{the} ground taken by him in the present OA. The appellate authority shall communicate the order passed in appeal immediately to the applicant;

- (ii) In case the applicant is aggrieved by the order passed by the appellate authority, liberty is granted to him to proceed in the matter in accordance with law.

No costs.


(Smt. Lakshmi Swaminathan)
Member (J)

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