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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O. A. NO. 1995/2000

New Delhi this the 27th day of September, 2000.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI M. P. SINGH, MEMBER (A)

R. K. Chaudhary,
working as J. I. T.,
New Delhi Railway Station,
Northern Railway,
New Delhi.

... Applicant

(By Shri Rajeev Sharma, Advocate)

-versus-

1. Union of India through
Secretary, Ministry of Railway,
Rail Bhawan, New Delhi.

2. Divisional Railway Manager (DRM),
D.R.M. Office, Baroda House,
New Delhi.

3. Chief Traffic Manager (CTM),
Northern Railway, Baroda House,
New Delhi.

4. Sr. Divisional Commercial Manager,
Northern Railway, Baroda House,
New Delhi. ... Respondents

O R D E R (ORAL)

Shri Justice Ashok Agarwal :

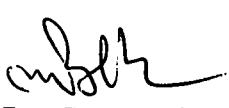
In disciplinary proceedings conducted against the applicant a penalty of reduction to the initial grade of his appointment has been imposed upon him. Aforesaid order has been passed by the disciplinary authority on 15.12.1998. Applicant has impugned the same by preferring an appeal before the appellate authority on 24.7.2000. Aforesaid appeal is pending consideration by the appellate authority. By the present OA, stay is sought of the aforesaid order of penalty imposed by the disciplinary authority pending disposal of his appeal.

WJ

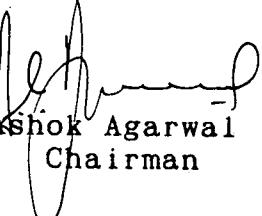
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2. In support of the claim, reliance is placed on a decision of this Tribunal in the case of **Vinod Kumar Saraswat v. Union of India & Ors.**, OA No.138/99 decided on 25.1.1999, wherein a prayer similar to the one made in the present OA was entertained and granted. In our judgment, aforesaid decision can be no precedence in law and merely because a particular relief was granted in a particular case, the same does not necessarily be a precedent of binding nature in all other cases. Grant of stay is a discretionary matter. The same will depend on the facts and circumstances of each individual case. In our judgment, no case is made out in the present case to grant stay of the aforesaid order of penalty pending the appeal.

3. Present OA, in the circumstances, is summarily rejected.


(M. P. Singh)

Member (A)


(Ashok Agarwal)
Chairman

/as/