

(8)

Central Administrative Tribunal  
Principal Bench: New Delhi

OA-2243/2000

New Delhi this the 9th day of July, 2001

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

Shri K.C. Pipal  
S/o Late Shri Dhani Ram,  
R/o C-3/259, Sultanpuri,  
Delhi.

-Applicant

(By Advocate: Shri S.S.Tiwari)

Versus

1. Union of India through,  
Secretary,  
Department of Atomic Energy,  
Anushakti Bhawan,  
C.S.M. Marg,  
Mumbai-400001.
2. Additional Secretary,  
Department of Atomic Energy,  
Anushakti Bhawan,  
C.S.M. Marg,  
Mumbai-400001.
3. Director,  
Atomic Minerals Directorate  
for Exploration and Research,  
Dept. of Atomic Energy,  
Begumpet, Hyderabad.

-Respondents

(By Advocate: Shri Madhav Panikar)

ORDER (Oral)

By Hon'ble Mr. Shanker Raju, Member (J)

The applicant, who has been promoted a Group A Officer on 1.2.1997, has assailed an order passed on 5.11.99 issued by Additional Secretary to the Govt. of India where a major penalty of dismissal from service has been imposed upon him.

2. The applicant in this OA has assailed the action of the respondents on the ground that the Disciplinary Authority who issued the order of dismissal imposed upon him the major punishment and he was awarded

(a)

promotion to Group A post without consulting the UPSC and the appointing authority is the President. The respondents in their counter had accepted the contention of the applicant and further stated that the applicant was erroneously promoted as Group A officer. For this the action is contemplated against the officers. However, it is fairly stated by the learned counsel for the respondents that for imposing a punishment <sup>to</sup> ~~on~~ Group A officer consultation of the UPSC is mandatory and the same has not been followed in the present case.

3. We have carefully considered the rival contention of the parties and perused the material available on record.

4. We agree with the learned counsel of the applicant that after being accorded promotion for Group A officer on 1.2.1997, the procedure meant for Group A officer in the disciplinary proceedings <sup>to</sup> ~~should~~ have been followed by the respondents. The impugned order has been passed without consulting the UPSC. The same is not in accordance with the procedure laid down under the relevant rules. We, therefore set aside the order of dismissal dated 5.11.99. The respondents are directed to take up the proceedings against the applicant from the stage of passing of the final order in the disciplinary proceedings in accordance with law.

5. The OA is allowed. The applicant shall be entitled for consequential benefits including back wages. The aforesaid direction shall be complied with within a period of two months from the date of receipt of a copy of this order. No costs.

S. Raju  
(Shanker Raju)  
Member (J)

cc.

V.K. Majotra  
(V.K. Majotra)  
Member (A)