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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

MA 3096/2000 IN
OA 864/2000

New Delhi this 05th day of January 2001.

Hon'ble Shri Govindan S Tampi, Member (A)

Harijinder Singh, Mechanic,
Safdarjung Hospital elec. Div.,
CPWD, New Delhi

.....Applicant
(By Shri V N Jha, Advocate)

Versus

Union of India through its Secretary
Min. of Urban Development,
Nirman Bhawan, Maulana Azad road,
New Delhi

The Chief Engineer (Elec.I)
Central Public Works Deptt.,
Vidyut Bhawan,
Connaught Place, New Delhi

Sh. V K Mittal,
The Supdt. Engineer (Elec)
DCEC-IV Central Power Works Deptt.,
IP Bhawan, New Delhi

Sh. V K Jain,
R/o 11/LF Tansen Marg,
New Delhi

.....Respondents
(By Smt P K Gupta, Advocate)

ORDER (ORAL)

(By Shri Govindan S Tampi, Member(A))

Heard Shri V N Jha, learned counsel for the
applicant and Smt. P K Gupta learned counsel for the
respondents.

2. In this case disciplinary proceedings
initiated against the applicant ended in the punishment
of reduction of the pay of the petitioner by two stages
with cumulatively which had the effect of postponing
the increment with directions that the period of
suspension be treated as dies non. In the appellate

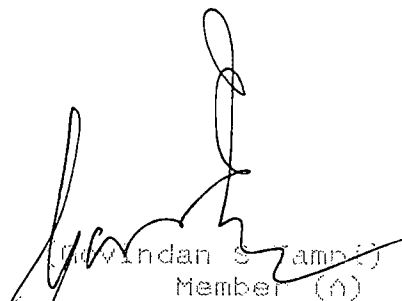
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order the penalty has been brought down to reduction of pay by one stage for one year without cumulative effect but without modifying the second aspect of the decision. In his argument Shri Jha points out that the proceedings are vitiated on account of the fact that no D.E. were held inspite of his having denied the charges, taking into account a general letter of expression of regret, which was improperly been taken from him alongwith few others. This was improper.

3. In as much as the applicant, as per his averment not denied by the respondents they had specifically denied the charges vide letter dated 19.8.92, instead of disposing the matter without any DE, the disciplinary authority should have conducted DE proceedings. This should have made matters clear and fair.

4. The application therefore partially succeeds and the impugned order is quashed and remanded to the disciplinary authority to decide the case after holding DE proceedings taking into account the applicants denial of the charges. This exercise should be completed within three months from the receipt of this order.


Govindan S. Ramani
Member (A)

Patwal/