

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH NEW DELHI

Original Application No. 991 of 1986

Union of India & Others Respondents

Hon'ble Mr. Justice U.C.Srivastava, v/s

Hon'ble Ms. Usha Savara, Member (A)

(By Hon'ble Mr. Justice U.C.Srivastava, VC)

The order dated 19.4.1985 imposing a punishment of withholding of increment for a period of one year and ~~another order~~ ^{dated 3.9.86} ~~challenged~~ imposing the punishment of withholding the increment for a period of two years ~~dated 3.9.1986~~, ^{challenge} the subject matter of this application, which was filed on 27.10.1986 i.e. more than year after the award of the first punishment ~~had been given~~. It is pointed out by the learned counsel that so far as the first punishment is concerned ~~not only~~ ^{the date for the same} that it is barred by time and further that two punishment can not be joined together, the learned counsel stated that he is withdrawing his application against the first punishment dated 19.4.1985 and confirming it in respect of the punishment order dated 3.9.1986. The punishment this time was also on the similar charge, on which he was earlier. The applicant was stated to be on duty on a particular booth for allotment of retiring Room on 14.8.1986 and a complaint was received against him that the allotment was not on the basis of priority. A memorandum was issued to the applicant who submitted his reply and his reply was not found satisfactory and that's why the punishment was awarded to the applicant as the complaint against him was said to have been ^{charge} substantiated.

2. The applicant filed a departmental appeal against the findings of the punishment, which has been dismissed without passing any speaking order and without giving him any opportunity of hearing. It is not necessary to enter into the pleasure of

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by the applicant as all these can be well decided by the appellate authority which was to ~~apply~~ ^{and hear} minds ~~and~~ which ~~is~~ ^{not} done. Accordingly, this application is allowed to the extent and the appellate order dated 3.10.1986 is quashed. The appellate authority is directed to decide the appeal within a period of 2 months from the date of communication of this order after giving a personal hearing. ^{to the applicant} The applicant is directed to appear before the appellate authority 11.1.1993 on which the appellate authority will give him a date for personal hearing. With these observations, the application is disposed of finally. No order as to the costs.

U. K. Chaturvedi
Member (A)

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Vice-Chairman

Dated: 21.12.1992.

(RVA)