

(1)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW DELHI

O.A. No.      674/      1987.  
~~T.A. No.~~

DATE OF DECISION 22.5.1987.

Shri Munshi Singh      **Petitioner**

Shri P.L. Sethi      **Advocate for the Petitioner(s)**

**Versus**

Union of India and others      **Respondent**

None      **Advocate for the Respondent(s)**

**CORAM :**

**The Hon'ble Mr. Kaushal Kumar, Member (A).**

**The Hon'ble Mr. G. Sreedharan Nair, Member (J).**

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether to be circulated to other Benches? *No*

*(G. Sreedharan Nair)*  
(G. Sreedharan Nair)  
Member (J)  
22.5.1987.

*(Kaushal Kumar)*  
(Kaushal Kumar)  
Member (A)  
22.5.1987.

(2)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, DELHI.

Regn. No. 674/87.

DATE OF DECISION: May 22, 1987.

Shri Munshi Singh ..... Applicant.

V/s.

Union of India and  
others ..... Respondents.

CORAM: Hon'ble Mr. Kaushal Kumar, Member (A).  
Hon'ble Mr. G. Sreedharan Nair, Member (J).

For the applicant ..... Shri R.L. Sethi, counsel.

For the respondents ..... None.

(Judgment of the Bench delivered by  
Hon'ble Mr. Kaushal Kumar, Member)

JUDGMENT

This is an application under Section 19 of the Administrative Tribunals Act, 1985 for quashing the order dated 18.12.1985 passed by the Appellate Authority suo-moto enhancing the penalty of withholding of increment for a period of six months which was imposed by the Disciplinary Authority on the applicant by order dated 13.6.1985 to that of withholding of increment for a period of one year. The increment raising the pay of the applicant from Rs.452/- to Rs.464/- in the grade of Rs.330-560 (RS) due on 1.3.1986 which was withheld for a period of six months was further withheld for a period of six months without postponing the future increments.

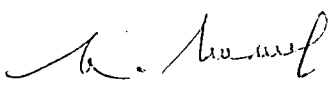
2. We find from a perusal of the records that a Memorandum of Charge-sheet was served on the applicant on 22.3.1985. The Disciplinary Authority in his order dated 13.6.1985 states that he had carefully considered the representation of the applicant dated 5.6.1985 in reply to the Memorandum of Charge-sheet dated 22.3.1985 and that the applicant had accepted the charge. No procedural irregularity has been pointed out in the impositio

...../2.



of the penalty by the Disciplinary Authority or in the enhancement of the penalty suo-moto by the Appellate Authority after notice to the applicant. The only contention of the learned counsel for the applicant is that he has filed a statutory appeal against the order imposing the penalty of withholding of increment. The said appeal has not been disposed of so far. The applicant is certainly within his rights to approach the Tribunal if the appeal is not ~~xxxx~~ disposed of within a period of six months of its filing as prescribed under sub-section 2(b) of Section 20 of the Act. When no legal infirmity has been pointed out in the orders and the charge was accepted by the applicant, there is hardly any case for this Tribunal to interfere and the application is accordingly rejected. This order will not preclude the respondents from considering and disposing of the appeal on merits expeditiously.

  
(G. SREEDHARAN NAIR)  
MEMBER (J)  
22.5.1987.

  
(KAUSHAL KUMAR)  
MEMBER (A)  
22.5.1987.