

In the Central Administrative Tribunal
Principal Bench: New Delhi

OA No.3013/91

Date of decision: 12.04.1993.

Shri R.K. Singhal

...Applicant

Versus

Union of India & Others

...Respondents

Coram:-

The Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman (J)

The Hon'ble Mr. I.K. Rasgotra, Member (A)

For the applicant

Shri G.R. Nayyar, Counsel.

For the respondents

Shri Pawan Behl, Counsel.

Judgement(Oral)

(Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman (J))

On 16.11.1988 the Superintending Engineer, P.W.D. Circle III, Delhi Administration imposed the penalty of stoppage of increment for two years without cum-ulative effect on the applicant. From that order, the applicant has preferred an appeal which is pending. On 23.9.1991 the Project Manager, Okhla Flyover Project gave a non-functional selection grade to the applicant w.e.f. 1.4.1989. Orders dated 16.11.1989 and 23.9.1991 aforementioned are being impugned in the present application.

2. A reply has been filed on behalf of the respondents. Counsel for the parties have been heard.

3. It appears to us that the order dated 23.9.1991 is consequential to the order dated 16.11.1988. The order of 16.11.1988 is under challenge in the appeal. That appeal should be disposed of now. In case the said order is ^{either} set aside, ^{or modified} ~~ultimately~~ the order dated 23.9.1991 will have to be repassed. Therefore, at this stage, we find

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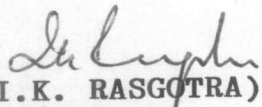
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that no useful purpose will be served in going into the legality of the order dated 23.9.1991. However, we make it clear that it will be open to the applicant to challenge afresh the legality of the order dated 23.9.1991 after the decision of the appellate authority.

4. We direct the appellate authority to dispose of the appeal of the applicant as expeditiously as possible but not beyond a period of two months from the date of presentation of a certified copy of this order by the applicant.

5. With these directions this application is disposed of finally but without any order as to costs.


(I.K. RASGOTRA)
MEMBER(A)


(S.K. DHAON)
VICE-CHAIRMAN

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