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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No. 1289/2004

New Delhi this the 25th day of May, 2004

Hon'ble Shri Sarweshwar Jha, Member (A)

Jal Singh S/O Late Sh.Ram Karan,
R/O D-15, CTI Complex,
Raja Garden, New Delhi-46

..Applicant

(By Advocate Shri U.Srivastava)

VERSUS

Government of NCT of Delhi through

1. The Chief Secretary,
Players Building,
Delhi Government Secretariat,
IP Estate, New Delhi.
2. The Principal Secretary (Home),
Govt. of NCT of Delhi,
Delhi Secretariat, New Delhi.
3. The Director General of Home Guard
and Civil Defence, Nishkam,
Sewa Bhawan, Raja Garden, New Delhi.

..Respondents

O R D E R (ORAL)

Heard the learned counsel for the applicant.

2. This Original Application has been filed against the orders of the respondents dated the 30th April, 2004 whereby they have decided to implement the penalty order dated the 17th June, 2003 by which recovery of Rs. 56,000/- from the salary of the applicant has been ordered together with a minor penalty of reduction to a lower stage of time scale from Rs.5350/- to Rs 4875/- for a period not exceeding three years without cumulative effect and not adversely affecting his pension imposed upon him. He has accordingly prayed that the said impugned order be quashed and the respondents be directed to allow all

Jaswant

consequential benefits and costs to the applicant.

3. The applicant is working as an Instructor Civil Defence with the respondents w.e.f. 21.5.1997. He has claimed that he had been serving the respondents to their entire satisfaction. However, he has received a show cause notice as issued by the respondents on 19.5.2003 in which he was asked to show cause as to why the amount of Rs. 56,000 overpaid to the Home Guard volunteers should not be recovered in instalments from his salary and why a minor penalty of reduction to a lower stage in the time scale of pay for a period not exceeding three years without cumulative effect and not adversely affecting his pension be not imposed on him. The applicant submitted his reply/representation to the said show cause notice on 11.6.2003 (Annexure A 1). However, having considered the reply as filed by the applicant, the respondents issued an order on 17.6.2003 imposing the penalty of recovery of Rs. 56,000/- from his salary together with minor penalty of reduction to a lower stage of time scale from Rs. 5250/- to Rs. 4875/- for a period not exceeding three years without cumulative effect and not adversely affecting his pension as mentioned above.

4. Aggrieved by the said penalty, the applicant filed an appeal on 16.7.2003 (Annexure A/4). He has also submitted a representation on 21.7.2003 (Annexure A 5) in which he has prayed to the appellate authority to stay the penalty order till his appeal has been

A handwritten signature in black ink, appearing to read "J. S. Mehta".

considered and disposed of. He has, however, not received any reply either to his appeal or to his representation so far.

5. While it is observed that the respondents are yet to consider his appeal and representation and also that similar cases have been considered and disposed of by this Tribunal vide OA 1276/2004 and OA 1285/2004, it would be appropriate if this case is also disposed of on the same lines.

6. Under the facts and circumstances of the case and particularly keeping in view that similarly placed cases have already been disposed of separately, this OA is also disposed of at the admission stage itself without waiting for the reply from the respondents with a direction to them to consider the appeal as well as the representation as submitted by the applicant together with this OA, treating it as a representation and dispose them of by issuing a reasoned and speaking order within two months from the date of receipt of a copy of this order. They are further directed not to give effect to the recovery of the amount of Rs. 56,000 from the salary of the applicant till they have considered and disposed of the appeal/representation as filed by the applicant. While parting with this order, it is made clear that I have not opened my mind on the merits of the case.

7. With this, the OA stands disposed of.

Jawaharlal Nehru Ph
(Sarweshwar Jha)
Member (A)

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