

Central Administrative Tribunal
Principal Bench
New Delhi

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O.A. No. 1835/92

Decided on : 17.07.1992

Trilok Chand Tyagi

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Applicant

-Versus-

Director of Education & Ors

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Respondents

Coram : The Hon'ble Mr. P. C. Jain, Member (A)
The Hon'ble Mr. J. P. Sharma, Member (J)

Applicant through Shri B. S. Charya, Counsel

J U D G M E N T (CRAL)

Hon'ble Shri P. C. Jain, Member (A) :-

By this O.A. under Section 19 of the Administrative Tribunals Act, 1985, the applicant who was posted as a Post Graduate Teacher (P.G.T.) under the Delhi Administration and who has been awarded, in pursuance of disciplinary proceedings initiated against him, a punishment of reduction to the lower post of T.G.T. at the minimum ^{of} scale of pay, has assailed the aforesaid punishment order and has prayed that the punishment order dated 29.5.1992 be quashed. As an interim relief, he has prayed for that the operation of the impugned order be stayed till the final disposal of the case.

2. We have heard the learned counsel for the applicant on maintainability of the O.A. at this stage, at some length. The impugned order was passed on 29.5.1992. Appeal against that order is said to have been filed on 29.6.1992. A copy of the appeal, however, has not been placed on record. As a period

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of six months has not elapsed and as no order on the appeal has yet been passed by the appellate authority, it cannot be said, in terms of the provisions of Section 20 of the Administrative Tribunals Act, 1985, that the applicant has availed of the remedy available to him under the service rules, as held by a Full Bench of this Tribunal in the case of B. Parameshwara Rao vs. The Divisional Engineer, Telecommunications, Eluru & Anr. {Full Bench Judgments (CAT) Vol.II 250}. In view of the above, the OA is prima facie premature.

3. Learned counsel for the applicant, however, submitted that the facts of this case are such which require an expeditious disposal of the appeal filed by the applicant against the impugned order of punishment. He emphasised that the reversion of the applicant in pursuance of the punishment order from the post of P.G.T. to that of T.G.T. and that too at the minimum of scale of pay ~~of~~ ^{to} the lower post, is bound to ~~cause~~ ^{to} the applicant not only humiliation but also substantial loss in emoluments. He, therefore, prayed that this OA may be disposed of with the direction to the appellate authority to dispose of the appeal filed by the applicant at an early date within a period to be specified by the Tribunal.

4. In the light of the above discussion, the OA is disposed of with the direction that the appellate authority, namely, the Secretary (Education), Delhi
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Administration, Delhi, to whom the appeal has been preferred by the applicant on 29.6.1992, should consider and dispose of in accordance with law the aforesaid appeal within a period of four weeks from the date of receipt of a copy of this order.

5. Registry may supply a copy of this order to the learned counsel for the applicant as expeditiously as possible.

J. P. Sharma

(J. P. Sharma)
Member (J)

P. C. Jain

(P. C. Jain)
Member (A)