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Central Administrative Tribunal
Principal Bench: New Delhi

O.A. No. 1911/92

New Delhi this the 9th day of October 1997

Hon'ble Shri S.R. Adige, Vice-Chairman (A)
Hon'ble Dr. A. Vedavalli, Member (J)

Shri V.K. Wadhwa
S/o Shri Hans Raj Wadhwa
R/o C-1A/43C, Janakpuri
New Delhi

.....Applicant

(Applicant in Person)

Versus

1. Union of India through
Secretary,
Ministry of Urban Development,
Nirman Bhawan, New Delhi-11
2. The Director,
Directorate of Printing
Nirman Bhawan, New Delhi-11
3. The Officer-in-charge
President's Press
Rashtrapati Bhawan
New Delhi-4

.....Respondents

(By Advocate: Shri R.P. Aggarwal)

ORDER (Oral)

By Hon'ble Shri S.R. Adige, Vice-Chairman (A)

Applicant had impugned the respondents Memorandum dated 23.1.92 (Annexure-A) proposing to hold an enquiry against him under Rule 14 of CCS (CCA) Rules 1965 on certain imputations of misconduct.

2. The O.A. was dismissed for default on 29.7.97 because of failure of the applicant to be present despite the case being on the board for some time.

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3. Applicant thereafter filed an MA 1972/97 praying for restoration of the O.A. We have heard the applicant who argued this case in person. Respondents counsel Shri R.P. Aggarwal was also present.

4. Applicant has stated that his counsel was not present on that date when the case was called out. It is well settled that applicant should not suffer for the acts of omission and commission on the part of their counsel. We see no good reason to deny the restoration of the OA. Accordingly MA is allowed and the OA is restored. We have also heard the applicant on merits of the case. It appears that the impugned memorandum dated 23.1.92 drawing up departmental proceedings against the applicant has culminated in the disciplinary authority passing orders on 25.4.95, a copy of which has been shown to us by the applicant, whereby he has been awarded penalty of censure and the period of suspension from 6.12.91 to 16.1.92 during which he was kept under suspension has been ordered to be treated as on duty for all purposes.

5. We note that applicant has neither impugned the aforesaid order of censure dated 25.4.95, nor indeed has he filed any appeal, which is statutorily permitted under the CCS (CCA) Rules.


6. Under Section-20 of the AT Act the applicant is required in the first instance to exhaust the departmental remedies before approaching the Tribunal.

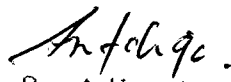
7. In the result the present OA is disposed of holding that if the applicant is aggrieved by the respondents order of censure dated 25.4.95, he should in

the first instance exhaust the statutory remedy available to him of filing an appeal against the said order, and in the event that he has any grievance which still survives after the disposal of the appeal, it will be open to him to agitate the same through appropriate original proceedings in accordance with law.

8. In this connection applicant states that he has not been paid emoluments for the period from 6.12.91 to 16.1.92, while respondents contend that they are willing to make payment but he refuses to accept the same. Applicant also alleges that respondents have made certain wrong entries in his service book and have called for his service book to HQR, as a result of which he is likely to be denied the benefits of the recommendations of the 5th Pay Commission. He may, if so advised, bring these points also to the notice of the appellate authorities.

9. The O.A. stands disposed of. No costs.


(Dr. A. Vedavalli)
Member (J)


(S.R. Adige)
Vice-Chairman (A)

cc.