

Central Administrative Tribunal
Principal Bench: New Delhi

OA No.2302/93

New Delhi this the 7th Day of February, 1994.

Shri N.V. Krishnan, Vice-Chairman(A)
Shri B.S. Hegde, Member (J)

S.S. Chauhan, Inspector,
Customs & Central Excise
Collectorate, C.R. Building,
I.P. Estate, New Delhi.Applicant

(By Advocates Sh. S.K. Gupta with Sh. U. Srivastava)

Versus

1. Union of India through
Secretary, Department of
Revenues, Ministry of Finance,
North Block, New Delhi.

2. Member (Personnel),
Central Board of Excise
and Customs, North Block,
New Delhi.

3. Collector, Customs and
Central Excise Collectorate,
I.P. Estate, C.R. Building,
New Delhi.

4. Additional Collector (P&V),
Customs & Central Excise
Collectorate,
C.R. Building, I.P. Estate,
New Delhi.Respondents

(By Advocate Sh. R.R. Bharti)

ORDER (ORAL)

(Mr. N.V. Krishnan)

The prayers in the OA are as follows:-

"i) To quash and set aside the impugned order dated 27.3.1991 passed by the Disciplinary Authority.

ii) To quash and set aside the impugned order dated 24.10.1991 passed by the Appellate Authority.

iii) To direct the respondents to give all other consequential benefits of pay and allowances after treating the case of the applicant as if there was no case against the applicant."

2. It is stated that the disciplinary authority imposed the penalty of reduction by three stages from Rs.1940/- to Rs.1760/- in the time scale of Rs.1640-2900 for a period of three years with effect from the date of the order, i.e., 27.3.1991 and that during the said period the applicant would not earn increments and on the expiry of the period the reduction will not have the effect of postponing his future increments vide Annexure A-1 order. This was maintained in appeal by the order dated 24.10.1991 (Annexure A-2).

3. The respondents have stated in their short reply that both the impugned orders of the disciplinary authority and the appellate authority have been quashed by the revisionary authority who has remanded the case to the disciplinary authority for issuing of a proper show cause notice to the applicant for making fresh submissions.

4. In the circumstances, the learned counsel for the applicant states that reliefs i) and ii) have become infructuous but the revisionary authority has not clarified by his Annexure R-1 order dated 22.11.93 what the consequences of that order would be. The learned counsel for the applicant states that the OA can be disposed of by giving suitable directions.

5. The learned counsel for the respondents states that it is quite obvious that when the penalty has been struck down the status quo ante would automatically stand restored.

6. In the circumstances, we are of the view that the OA itself can be disposed of with a direction to the respondents to treat the applicant as having continued in the time scale of Rs.1640-2900 at the stage of Rs.1940/- from 27.3.91 and grant to the applicant the difference in salary from that date within a period of two months from the date of receipt of this order.

7. The O.A. is disposed of as above. No costs.

B.S.H.
(B.S. Hegde)
Member(J)

N.V.K.
7.2.94
(N.V. Krishnan)
Vice-Chairman

San.