

16.4.2004.

Hon'ble Mrs. Meera Chhibber, J.M.

By this O.A., applicant has challenged the order dated 8.4.2003 whereby he has been imposed punishment of stoppage of next two annual increments due to him by treating the period from 13.11.2000 onwards as unauthorised absence from duty. However, perusal of para 6 shows that the applicant has already filed an appeal dated 27.5.2003 against the penalty order dated 27.5.2003, which has not been decided till date even though the period of six months have already passed.

Perusal of Annexure-9 shows (page 68) that the appeal has been addressed to the Hon'ble Minister, Ministry of External Affairs, Govt. of India, New Delhi, even though the penalty order was passed by the Joint Secretary. I do not think that the Minister can be said to be the appellate authority in this case. Therefore, applicant is given liberty to file an appeal to the appropriate authority in accordance with the rules. The applicant may do so within two weeks from the date of receipt of copy of this order. Incase, applicant files a proper appeal to the appropriate authority, I am sure that the same shall be decided by the appellate authority within a reasonable time of three months thereafter.

In view of the above order, this O.A. is dismissed as withdrawn with liberty to file an appeal before the competent authority.


Member (J)