

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

\*\*\*\*\*

REGISTRATION T.A. NO. 1121 of 1986

S.P. Bhatia ..... Applicant  
Versus  
Union of India ..... Respondents.

Hon'ble Mr. D.K. Agrawal, J.M.

Hon'ble Mr. K. Obayya, A.M.

(By Hon'ble Mr. D.K. Agrawal, J.M.)

Civil Suit No. 10546 of 1985 instituted in the court of Munsir city Kanpur on transfer to the tribunal under section 29 of A.T. Act of 1985 was registered as T.A. No. 1121 of 1986.

2. Briefly, the facts are that the plaintiff while posted as highly skilled grade II Mechanic was suspended on 22.8.1981, Charge sheet issued on 4.10.1981, and by an order dated 28.8.1984, the plaintiff was inflicted the punishment of reduction in pay to the minimum of scale i.e. Rs. 330 per month in the pay scale of Rs. 330-480. The plaintiff preferred an appeal which still remains undecided. In view of fact that the appeal preferred by the plaintiff has not been decided, the suit is premature. However, we must observe that it is high time for executive authority to realise their part of duty. There is no possible reason for the appellate authority to keep an appeal pending for such a long duration. It has been clearly observed by Hon'ble Supreme Court in the case of S.S. Rathoure vs. State of Madhya Pradesh A.I.R. 1990 page (10) that ordinarily an appeal or representation should be decided within a period of six months. We are surprised that inspite of the said observation the appellate authority

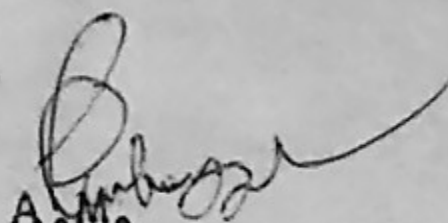
*D.K. Agrawal*

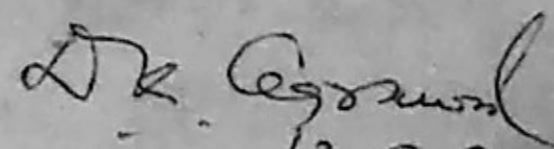
.....2/-



has not taken care to decide the appeal. This case in the above circumstances has to go back. We may also add that the perusal or punishment order passed by disciplinary authority dated 28.8.1984 indicates that the report of the enquiry officer was not served on the plaintiff before the disciplinary authority proceeded to pass the order of punishment. Consequently the plaintiff had no opportunity to make the representation against the report of enquiry officer.

3. In the above background of facts and circumstances the suit of the plaintiff is partly allowed <sup>from the</sup> The stage of supply of copy of the report of enquiry officer and provide an opportunity to the plaintiff to make a representation against it. The disciplinary authority may thereafter take a decision to inflict the punishment, if any on the plaintiff. The plaintiff will have a right to file an appeal against the decision of disciplinary authority, if so advised. It is thereafter only that the plaintiff can approach us if necessary at all. The parties are left to bear their own cost.

  
A.M.

  
J.M. 13.9.91

Dated: 13th September, 1991

(RK)