

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
Registration T.A.No. 989 of 1987

C.L.Jha

....

Applicant

Vs.

Union of India & Others....

Respondents

Hon'ble Mr. Justice U.C.Srivastava, V.C.

Hon'ble Mr.K.Obayya, Member (A)

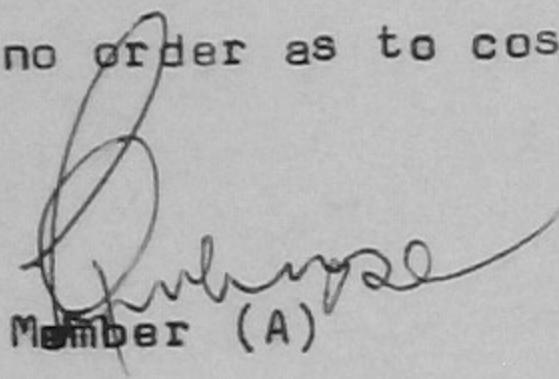
(By Hon. Mr. Justice U.C.Srivastava,
V.C.)

This is a transferred application under Section 29 of the Administrative Tribunals Act, 1985. The applicant has filed a Writ Petition before the High Court Allahabad against the minor penalty of withholding of next increment for one year raising his pay from Rs.600/- to Rs.620/- in grade Rs.425-640/- normally due on 1.3.1982. The applicant who was an employee of Northern Railway filed an appeal against the same which too was dismissed. Thereafter he filed a Writ Petition before the High Court which by operation of law has been transferred to this Tribunal. During the pendency of the application the applicant retired from service in the year 1990. The appellate order has been challenged by the applicant on the ground that no personal hearing was given to him alongwith the helper. Of course it was for the Appellate Authority to allow the same. But merely because the helper was not allowed, this is not the ground to challenge the order as far as the minor penalty is concerned there is not any need to aid a helper.

2. The grievance of the applicant is that he was not given the reasonable opportunity of hearing. It has been stated by the respondents that notices were issued to

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the applicant and the Disciplinary Authority after considering the representation of the applicant came to the conclusion that the charges against the applicant were proved, and that is why the said minor penalty was awarded. For awarding a minor penalty it is not necessary to hold a fulfilled inquiry. It was further stated by the Disciplinary Authority that in case the Inquiry Officer fulfilled the inquiry after giving the notice to the applicant, the applicant cannot make any complaint against the same. Moreover in view of the fact that what has been stated above and after taking into consideration the plea raised by the learned counsel for the respondents this application has become infruitfructuous. Accordingly this application is dismissed having become infruitfructuous. There will be no order as to costs.



Member (A)



Vice-Chairman.

28th February, 1992, Allahabad.

(sph)

6/12/91

No sitting. Adjudged to
20-12-91. for hearing of

20-12-91

no sitting. Adjudged
to 28-2-92 for hearing.

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T.A.No.989/87

28.2.92

Hon'ble Mr. Justice U.C.Srivastava, V.C.
Hon'ble Mr. K.YObayya, Member (A)

Heard Sri O.C.Bhardwaj for the applicant
and Shri G.P.Agrawal for the respondents.

Judgment dictated separately.


A.M.


V.C.