

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD [ENCH]

Original Application No. 400 of 1992

VERSES

Union of India & others v. *et al.* (1996) 10 SCC 325, 1996 (1) SCC (Responde)

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

Hon'ble Mr. S. J. Prasad, Member (T)

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

This application has been filed under section 19 of the Administrative Tribunals Act, 1985 for quashing the punishment order dated 29.3.1991 (Annexure A-1) by which penalty of stoppage of increments for a period of two years without cumulative effect, was imposed on the applicant. Against the said punishment order he preferred appeal to the appellate authority on 8.5.1991 (annexure A-2) but that appeal has not been disposed of so far. Though under normal circumstances, the applicant should have exhausted all statutory remedies available to him, and awaited the appellate order, he has justified his coming to the tribunal on the ground, that more than 6 months has elapsed, after he filed his appeal, and having heard nothing in this regard, the only course left to him was to approach this tribunal.

2. We have heard the learned counsel for the applicant Shri N.K. Nair.

3. Action against the applicant was taken under C.G.S.(D.A.) rules, which provide for appeal, revision, review etc. It is true that it is more than 6 months, that the appellate authority is keeping the matter. It can not be expected, that in each and every appeal, a decision should be given within 6 months by the appellate authority. Some times the delay may be on account of the

(A2)
2

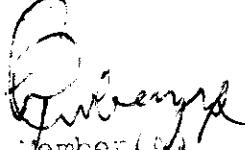
:: 2 ::

appellant or for other justifiable reasons. There is no law setting time limit for disposal of appeal, though the appellate authority, in fairness is expected to dispose of the appeal within reasonable period.

4. Having regard to the limitations of the Tribunal or a judicial forum in going into the question of quantum of punishment, we are of the view, that the applicants interests are better served at this juncture if his appeal before the appellate authority is decided and we consider that a suitable direction in this regard would meet the ends of justice. In the circumstances, we direct the respondents to decide the appeal of the applicant dated 8.5.1991; in case, copy of the appeal is not on record of the appellate authority, the appellate authority may treat copy of the appeal contained as Annexure A-8 to the application as an appeal and pass suitable orders as considered appropriate. The application is disposed of with the above directions at the admission stage. No order as to the costs. Copy of this order may be given to Shri K.C. Sinha Additional Standing Counsel for the respondents for official use.



Member (J)



Member (S)

Allahabad dated 30.3.1992.

(RKA)