

OPEN COURT

IN THE CENTRAL ADMINISTRATIVE RIBUNAL, ALLAHABAD
ADDITIONAL BENCH AT ALLAHABAD

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Allahabad : Dated this 16th of February, 1996

Original Application No. 843 of 1992

District : Aligarh

Counsel -

Hon'ble Mr. S. Das Gupta, A.M.

Hon'ble Mr. T.L. Verma, J.M.

V.S. Sharma, S/o Late Shri Munshi Lal Sharma
1/103, Jaisiye Ram Kutir,
Aligarh.

(Sri K.K. Tewari, Advocate)

..... Applicant

Versus

1. Asst. Engineer, Phones,
Aligarh.

2. Telecommunication District Engineer,
Aligarh.

3. Union of India
Through Secretary,
Ministry of Communications,
New Delhi.

4. General Manager,
Telecommunication, Northern Area,
160A, Rajendra Nagar, Dehradoon.

5. Sri Panna Lal, A.E. (Const.) G/o
Telecom Dist. Engineer, Muzaffarnagar.

(By Sri N.B. Singh, Advocate)

..... Respondents

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O R D E R (O_r_a_l_)

By Hon'ble Mr. S. Das Gupta, A.M.

The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, seeking the relief of quashing of the order dated 18-5-1991 by which the respondent no.1 had imposed on the applicant penalty of stopping increment for three years with cumulative effect. The applicant has also sought expunction of certain adverse remarks stated to have been made by the respondent no.2 in the ACRs of the applicant.

2. The facts of the case may be briefly stated. The applicant was working as Junior Telecommunication Officer at Aligarh. The respondent no.1 had issued a charge sheet under Rule 16 of the CCS (CCA) Rules. The applicant had submitted his reply to the charge sheet and thereafter the impugned order of penalty stopping the applicant's increment for three years with immediate effect was passed. The applicant filed an appeal but the same was not acted upon and this led the applicant to file this OA under Section 19 of the Administrative Tribunals, Act, 1985, seeking the relief aforementioned. The

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applicant also states that in his confidential report an adverse entry was given by the respondent no.2.

The applicant had represented against the same but his representation, it is stated, has not been acted upon so far.

3. When the case came up for hearing, we noticed that the application suffers from multiplicity of relief as the second relief is not consequential to his first relief. The learned counsel for the applicant submitted that he would only press for the first relief i.e. for quashing of the order of penalty. We, therefore, considered this prayer only of the applicant.

4. The facts are not disputed. The applicant was issued a charge memo under Rule 16 of the CCS (CC&A) Rules for the minor penalty and thereafter penalty for stoppage of three years increment with cumulative effect was imposed by the impugned order. Rule 16(1)(A) ^{ibid} clearly indicates that when the penalty of stoppage of increment with cumulative effect is imposed, it would be mandatory to hold an enquiry in the manner laid down under Sub-Rule 3 to 23 of Rule 14 ^{ibid} before making any order imposing such penalty. We have seen the counter affidavit filed by the respondents. Admittedly, no enquiry was held in the manner laid down as per Sub-Rule 3 to 23 of the Rule 14 of the CCS (CC&A) Rules.

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5. The application, therefore, can be allowed on this short point only. We accordingly quash the impugned order dated 18-5-1991 passed by the respondent no. 1 imposing the penalty of stoppage of increment with cumulative effect. The applicant shall be entitled to all the consequential benefits of the quashing of the impugned order of penalty, including arrears of salary based on the increments withheld to be paid within a period of three months from the date of communication of this order.

We, however, provide that the respondents shall be at liberty to proceed against the applicant afresh in accordance with law.

6. This application is disposed of with the above directions. There shall, however, be no order as to costs.



Member (J)



Member (A)

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