

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Original Application No: 334 of 1993

H.P.Loharia Applicants.

Versus

Union of India & ors. Respondents.

Hon'ble Mr. Maharaj Din, Member-Judicial
Hon'ble Mr. S.Das Gupta, Member-Administrative.

(By Hon'ble Mr. Maharaj Din, J.M.)

This is the application under Section 19 of the Administrative Tribunal Act, 1985 seeking the relief to quash the order of the disciplinary authority imposing penalty of withholding of increment for 2 years and further to issue direction to the respondents to cancel the recovery proceeding worth Rs. 10,242/- as a cost of fare for unused passes and refund the amount already recovered from the salary since May, 1992 of the applicant.

2. The applicant has been punished for misuse of passes and the order for withholding of increment and for making recovery from the salary of the applicant was passed on 9.3.1992 (Annexure,A-1). The applicant preferred an appeal against this order and the grounds of appeal are annexed with the application as Annexure,A-5 dated 21.5.1992. During the course of the argument, the learned counsel has stated at Bar that the appeal preferred by the applicant has not been decided and without deciding the appeal, the recovery proceedings have been started and the deductions are being made ^{from} on salary of the applicant in instalments since May, 1992. The respondents before making any deduction or ^{or} imposing the penalty effectively, should have decided the appeal first.

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3. Thus the application of the applicant is disposed of with a direction to the respondents to dispose of the appeal within a period of 3 months from the date of receipt of the copy of the order of this Court. In the meantime, the recovery from the salary of the applicant ² pursuance to the order imposing the punishment (Annexure-2) shall remain suspended. The application is accordingly disposed of at admission stage.


Member-A


Member-J

Allahabad Dated: 5.10.93

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