

Ministry of Home Affairs

(3) *AD/P*

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

ALLAHABAD

Original Application No. No. 1005 of 1993

Chhabi Lal Yadav

Petitioner

versus

Union of India & others

Respondents.

CORAM:

HON'BLE MR. JUSTICE R.K. VARMA, V.C.

HON'BLE MISS USHA SEN, MEMBER (A)

(By Hon'ble Mr. Justice R.K. Varma, V.C.)

R.K.V.
Shri M.A. Siddiqui, learned counsel for the petitioner is heard on the question of admission. Learned counsel has submitted that after the order of punishment was made by the Disciplinary Authority, the petitioner had filed an appeal with the Appellate Authority, but the petitioner's appeal was dismissed and the penalty of reduction in pay scale as ordered by the Disciplinary Authority, was maintained. But subsequent to the decision of the Appellate Authority, the criminal court found the petitioner not guilty on one of the charges which also formed one of the articles of charges in the departmental proceedings which culminated in the punishment order of reduction in the pay scale. Learned counsel for the petitioner has submitted that in view of the judgment of the criminal court the order of punishment passed in the disciplinary proceedings and concurred by the Appellate Authority are liable to be modified and the quantum of punishment is liable to be reduced. As such, the

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2

petitioner made a representation (Annexure A-17) in that behalf dated 5.4.1993 to the Disciplinary Authority for quashing of the penalty of reduction of pay but the same has not been decided. In the circumstances, we think it proper to direct even without calling the respondents for hearing the case on merits, that the respondents shall consider and decide the petitioner's representation (Annexure-17) for reviewing the order of punishment which was passed by them prior to the date of the judgment passed by the criminal court in view of the acquittal of the petitioner on the criminal charge and we, do hereby direct accordingly. The petitioner shall make a copy of the representation(Annexure A-17) available to the respondents and the respondents shall hear the petitioner and decide the representation within a period of two months from the date the petitioner submits a copy of the representation(Annexure A-17) to the respondents alongwith a copy of this order. This petition is accordingly disposed of at admission stage.

Uma Devi
MEMBER(A)

R.K. Varma
VICE CHAIRMAN

Dated: 2.4.1994.

Uv/