

(OPEN COURT)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

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Allahabad : Dated 8th of November, 1995

Original Application No. 960 of 1995

QUORUM:-

Hon'ble Dr. R.K. Saxena, J.M.

Hon'ble Mr. D.S. Baweja, A.M.

Shri Lazz-a Ram Rathore
son of Late Shri Ram Swaroop,
Resident of 6/2, M.E.S. Colony,
Shahjahanpur (U.P.)

(By Shri P.L. Sharma, Advocate)

. Applicant

Versus

1. Union of India through Secretary
Defence, Ministry of Defence,
Government of India, New Delhi.
2. Engineer-in-Chief, E-in-C's Branch,
Army Headquarters, DHQ PO Kashmir House,
New Delhi-11-
3. Chief Engineer,
Headquarters Central Command,
Lucknow.

. Respondents

2

O R D E R (Oral)

By Dr. R.K. Saxena, J.M.

The Applicant has approached the Tribunal challenging the order of punishment (Annexure-A-1) passed on 21-4-1994 whereby he was reduced to two lower stages from Rs.1350 to Rs-1300 in the time scale of Rs.950 to Rs.1500 for a period of one year. The impugned order further speaks that the Applicant would not earn increment ~~at~~ all during the period of reduction, and that on the expiry of this period, the reduction would have the effect of postponing his future increments of pay. The Applicant had preferred an Appeal to the Departmental Authorities on 28-5-1994 but no action has been taken. On the expiry of six months from the date of filing the Appeal, this OA has been filed and is on the stage of admission. This is a fresh O.A. Neither the notices have been issued to the Respondents nor was any date fixed in the matter.

2. The Learned Counsel for the Applicant contends that if a direction is given to the Appellate Authority for early disposal of the Appeal, preferred by the Applicant, the Applicant would be satisfied. As a matter of fact, the disposal of Appeal is necessary because the remedy ^{is} ~~may be~~ available to the Applicant, ~~He should file an appeal and should wait for the result. He may approach Tribunal only when the appeal is not decided at all or at least if the Appeal is not decided in favour of the Applicant.~~ ² The exercise of getting OA amended

in the light of the order in Appeal, shall be ^{necessary} ~~float~~ed. ^h
We, therefore, propose to discontinue the OA at this
stage without issuing notices to the Respondents
with the direction that the Appellate Authority may
dispose of the pending Appeal within a period of
two months from the date of the receipt of the order.
The O.A. is disposed of accordingly.

RBD/

Member (A)

Member (J)