

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No.239 of 2002

Tuesday, this the 17th day of December, 2002

Hon'ble Mr.Justice R.R.K.Trivedi, V.C.
Hon'ble Maj. Gen. K.K.Srivastava, A.M.

Jamuna Singh Chauhan,
S/o Late Ram Singh
aged about 61 years
R/o C/702 G.T.B. Nagar Kareilly
Conony, Allahabad. ... Applicant.

(By Advocate : Shri K.P.Singh)

Versus

1. Union of India
through Secretary,
Ministry of Defence,
New Delhi.
2. Under Secretary Vigilance II
Ministry of Defence Sena Bhawan
New Delhi.
3. D.B.Singh, Superintendent Engineer
Enquiry Officer CWE Works (I)
Director General of Naval Project
Vishakhapatnam - 530 001. Respondents.

(By Advocate : Shri P.Krishna)

ORDER (ORAL)

By Hon'ble Mr.Justice R.R.K.Trivedi, V.C. :

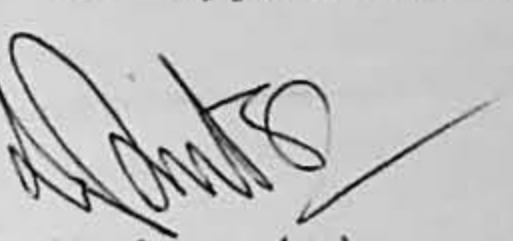
By this application filed under Section 19 of the A.T. Act., 1985, the applicant has challenged the order dated 15.11.2001 by which he has been awarded major penalty of bringing down the pay of ~~Shri J.S. Chauhan~~ by five stages from Rs. 12,925/- to 11,300/- in the scale of Rs.10,000-15,000

Contd...2.

to be effective from the date of the issue of the order to the date of his retirement i.e. 30.11.2001. It is not disputed by the applicant that against the impugned order, applicant has filed Revision Petition under Rule 29 (A) of CCS (CCA) Rules, 1965 which is pending before the President of India. We find that this is not a fit case for interference. It may be mentioned that in the case of S.S. Rathore Vs. State of M.P. and Others A.I.R. 1990 S.C. 10. Hon'ble Supreme Court has held that the appeal and revision filed by the employees before departmental authority should be decided within 3 to 6 months. In the present case, the revision was filed by the applicant on 22.11.2001. More than a year has passed but representation has not been decided, which is clearly against the verdict of Hon'ble Supreme Court.

2. In the circumstances, this OA is disposed of finally with a direction to the Secretary Ministry of Defence to get the revision of the applicant decided by the Hon'ble President of India within a period of three months from the date of receipt of the copy of the order.

3. It is further directed that the applicant shall be paid all his retiral benefits on the basis of pay already received by him after punishment dated 15.11.2001, the difference ~~if any~~ ~~ultimately~~ if comes out on account of the order passed in revision or by any other court, ~~the~~ same may be adjusted subsequently. The amount of pensionary benefits shall be paid to the applicant within two months. No order as to costs.


Member (A)


Vice Chairman

RKMV