

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 11th day of NOVEMBER 2003.

Original Application no. 1377 of 2003.

Hon'ble Maj Gen K K Srivastava, Member (A)
Hon'ble Mr. A K Bhatnagar, Member (J)

Krishna Chandra Shukla,
A/a 60 Years, S/o Late R.S. Shukla,
R/o 25/1, 40 Feet Wide Road, Patel Nagar,
Mughalsarai, Distt. Chandauli.

... Applicant

By Adv : Sri S Narain

Versus

1. The Union of India, through the Secretary,
Ministry of Human Resource Development,
Govt. of India, New Delhi.
2. The Chairman, Central Tibetan Schools Administration/
Appellate Authority, Department of Secondary and Higher
Education, Ministry of Human Resource Development,
(Govt. of India), Ess Ess Plaza, Plot No. 1, Community Centre,
Sector 3, Rohini, New Delhi.
3. The Secretary, Central Tibetan Schools Administration/
Disciplinary Authority, Department of Secondary and Higher
Education, Ministry of Human Resource Development,
(Govt. of India), Ess Ess Plaza, Plot No. 1, Community Centre,
Sector-3, Rohini, New Delhi.

Sri R.C. Joshi
By Adv : Sri N.C. Tripathi


... Respondents

O R D E R

Hon'ble Maj Gen K K Srivastava, Member-A.

In this OA, filed under Section 19 of the A.T. Act,
1985, the applicant has prayed for direction to respondent no.2,
to decide ^{which} ~~its~~ appeal dated 29.9.2003 and also to release the
various outstanding dues payable to him in various heads.

....2/-



2. The case of the applicant is that he was employed as TGT in the respondent's establishment. He ^{he} ~~was~~ superannuated on 30.09.2003. The applicant was served with major penalty charge sheet on 12.5.2003. After completion of disciplinary proceedings, the Disciplinary Authority passed the punishment order dated 22.09.2003 (Ann 2) imposing upon the applicant the major penalty of reduction of his pay by five increments with cumulative effect from the stage of ~~Rs. 10500~~ to Rs. 9500 with immediate effect in the pay scale of Rs. 6500-200-10500. The applicant has filed appeal before the Appellate Authority on 29.9.2003, which is still pending.

3. Sri S Narain , learned counsel for the applicant submitted that normally as per Section 20 (2) (b) of the A.T. Act, 1985 the applicant should have waited for six months time before filing this OA. But in view of the fact that the applicant has retired and his number of dues are pending, he has filed this OA with a hope that suitable direction will be passed to the respondents, in the interest of justice.

4. Sri N.C. Tripathi, learned counsel for the respondents on the other hand submitted that the applicant has to give reasonable time to the Appellate Authority to decide his appeal by a reasoned and speaking order. In fact this OA which has been filed on 07.11.2003 is liable to be dismissed as premature.

5. We have heard learned counsel for the parties, considered their submissions and perused the record.

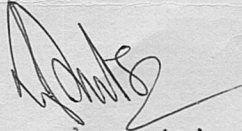
6. In our opinion, it is a fit case to be decided at the admission stage itself by passing suitable direction. It is a matter of fact that the applicant has not waited for six

months before filing this OA. We would like to observe that it is a peculiar case where such a major punishment has been awarded just eight days before superannuation of the applicant. The applicant's payment in regard to Leave Encashment, DCRG etc are bound to be ^hadversely ^eaffected. ^hNot only this, in the punishment order dated 22.09.2003 the Disciplinary Authority has himself mentioned, in the last line, that this order shall ^hadversely ^eaffect the pension of the applicant. We have no doubt in our mind that this order is bound to cause anxiety to the applicant as in absence of early settlement of his claim the applicant will be financially hardhit as he has already retired. We also observe that in number of cases sometimes the appeal are not decided ~~to~~ expeditiously. The apprehension and anxiety on the part of the applicant is well founded and natural.

7. For the above and in the interest of justice, we dispose of this OA at the admission stage itself by direction to respondent no. 2 to decide the appeal dated 29.9.2003 of the applicant within a period of three months by a reasoned and speaking order from the date of communication of this order,

8. There shall be no order as to costs.


Member (J)


Member (A)

/pc/