

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

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O.A. No. 69 of 1996.

Present : HON'BLE DR. B.C. SARMA, ADMINISTRATIVE MEMBER.  
HON'BLE MR. PARITOSH DUTTA, JUDICIAL MEMBER.

SURESH CHANDRA BANERJEE

VS.

UNION OF INDIA & ORS. ( Metro )

For Applicant : Mr. A. K. Banerjee, Counsel.

For Respondents : Ms. U. Sanyal, Counsel.

Heard on : 12.1.1996.

Ordered on : 12.1.1996.

O R D E R

B.C.Sarma, AM.

1. This application has been moved today as an unlisted motion.
2. The applicant is aggrieved by the fact that by an Order dated 12.12.1995 passed by the disciplinary authority, he has been reduced to the stage of minimum scale of pay of Rs. 750-940/- with immediate effect. The said order was passed pursuant to the carriage of a disciplinary proceeding instituted against him. In this application the applicant has challenged the entire disciplinary proceeding upto the Order of the disciplinary authority. The applicant has filed an appeal on 20.12.1995 (Annexure 'G' to the application), but before the appeal could be disposed of, the applicant has moved this matter today as an unlisted one.
3. The ground taken mainly by Mr. Banerjee, 1d. Counsel for the applicant has been that, the appointment of the disciplinary authority as well as the inquiry officer was not in accordance with

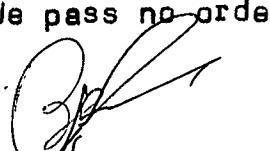
the rules and, *prima facie*, their appointments were illegal since they were the very officers who had signed the T.A. bills preferred by the applicant <sup>which</sup> and on the basis of his claim, subsequent disciplinary proceeding was drawn up against him.

4. Ms. Sanyal, 1d. Counsel for the respondents, strongly opposes the admission of the application. She submits that the application is premature since the applicant had preferred an appeal before the appellate authority filed on 20th December, 1995 and not even one month has been given to the appellate authority to dispose it of. She, therefore, prays for the dismissal of the application.

5. We have heard the submissions of the learned Counsel for both the parties and carefully considered the facts and circumstances of the case. Ordinarily, the applicant is expected to come before this Tribunal in the matter like this only after all the remedies available to him are exhausted. It appears that while the applicant has preferred an appeal against the Order of the disciplinary authority, <sup>order</sup> which is impugned in this case, he did not have much patience to wait till the disposal of the appeal; rather he has rushed to this Tribunal on a second thought. In the conspectus of the case, we are of the view that this application is premature and, hence, it can be disposed of at the stage of admission itself with a suitable direction on the respondents.

6. In view of the above, the application is disposed of with the direction that the appellate authority shall consider the appeal petition filed by the applicant on 20.12.1995 as per law within a period of 2 months from the date of communication of this Order and the result of the appeal shall also be communicated to the applicant within one month thereafter. The applicant is given liberty to approach this Tribunal if he feels aggrieved by the Order of the appellate authority passed in the matter. We pass no order as to costs.

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MEMBER (J)

  
MEMBER (A)