

17. THE CIVIL AND ADMINISTRATIVE ARBITRAL

LUCKNOW BENCH

LUCKNOW

P.W. No. 235 of 1992
in

Original Application No. 1109 of 1991

this the 6th day of March, 1992.

HON'BLE MR. J.K. SETH, A.D.M., M.D.C.
HON'BLE MR. D.G. VASU, JUDICIAL MEMBER

H.C. Pandey, Store Keeper-cum-Accounts Clerk,
Advance Training Centre, Office of the Development
Commissioner (Handicrafts), Begunjanj, Sandila
District Hardoi.

Applicant

By Advocate : Sri A. Moin

Versus

Union of India through Secretary Ministry of Textiles,
Govt. of India, Udyog Bhawan, New Delhi.

2. Development Commissioner (Handicrafts), West
Block No. 7, R.K. Puram, New Delhi.

3. Deputy Director, Office of the Development Commis-
sioner (Handicrafts), Field Administrative Cell,
Varanasi.

Respondents

By Advocate : Sri A.K. Chaturvedi

O R D E R (C R A L)

V.K. SETH, M.D.C.

By means of this O.R., the applicant has
challenged the order dated 26/27.8.1991 passed by
the Development Commissioner (Handicrafts) viz.
the respondent No. 2 in the C.A. imposing upon the
applicant penalty of reduction of his pay by one
stage for a period of two years. The said order
also stipulates that during the period of reduction

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It will also have the effect of postponing of future increments.

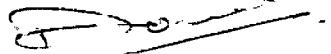
2. Pleadings have been exchanged between the two sides which we have perused. We have also heard the submissions of the learned counsel for the two sides.

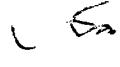
3. It is not disputed that the applicant has not filed an appeal as per the statutory rules against the aforesaid punishment. To that extent, the applicant has not complied with the provision of A.T. Act and the O.A. is, therefore, pre-mature. Nevertheless it is also the fact that the O.A. has been admitted. It is well established through a catena of judgments of Hon'ble Supreme Court as also this Tribunal that the scope of judicial intervention is somewhat circumscribed while the appellate authority can appraise the disciplinary proceedings in all its aspects including the evidence, procedural aspect as also the quantum of punishment. We, are therefore, of the considered view that it would be in the interest of equity and justice if even at this stage the applicant is afforded an opportunity to prefer an appeal notwithstanding the expiry of the limitation period prescribed in the statutory rules. This was also agreed to by the learned counsel for respondent in the circumstances of the present case. We, therefore, hereby order that the applicant shall prefer an appeal against the punishment to the prescribed appellate authority within a period of 45 days from the date of communication of this judgement and order. We further provide that the appellate authority shall take a decision on the appeal filed by the applicant within a further period of 2 months (two months) in accordance with the law and

v.v

rules on the subject,

4. The O.A. stands disposed of as above with no order as to costs.


MEMBER (J)


MEMBER (A)

LUCKNOW: DATED: 6.3.97

GIRISH/-