

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA.

D.A. No. 105 of 1996

Upendra Poddar

....

Applicant.

Vs.

Union of India and others....

Respondents.

For the applicant : Shri A.N. Jha

For the respondents: Shri G. Bose

C O R A M

Hon'ble Smt. Shyama Dogra, Member (J)

Hon'ble Shri Mantreshwar Jha, Member (A)

56./ 05.04.2004

O R D E R

(Dictated in Court)

By Shyama Dogra, M(J):- Heard learned counsel for the parties.

2. It is stated by the learned counsel for the applicant that the applicant has since retired in the year 2002 and he has got almost all the retiral benefits as well as other benefits flowing for the period of his service, and the only question in the present case is with regard to stoppage of his increment for one year at relevant point of time; i.e. in the year 1996.

3. However, after perusal of the orders under challenge, we find no force in the submissions of the applicant that the disciplinary authority who was witness in the disciplinary proceedings was the same person, and the allegation that the person cannot be judge of his own case is held to be not tenable after perusal of para 14 of the written statement as well as Annexure A/16 whereby the order has been passed by one Shri Izaz Ahmad, whereas the allegation is that the said order has been passed by Shri Arvind Kumar.

4. After perusal of Annexure A/12, it is found

Contd./-

that the punishment imposed by the disciplinary authority was stoppage of increment for one year which has also been modified by the order which reads as under;

"Reduction to the lower grade of Rs. 2000-3200/- (RP) on basic pay of Rs. 2000/- from the existing pay in scale of Rs. 2375-3500/- , for a period of one year , on expiry of which , the reduction will not have effect of postponement of future increment of his pay"

5. We find that the said order of punishment has been modified and further upheld by the appellate authority vide order dated 9.4.1997 (Annexure A/20) , while passing reasoned order. Therefore, we are not inclined to proceed further in the matter , as the said punishment has not affected the payment of future increment of the applicant, and he has got all the pensionary benefits as per law along with enhancement of his increment after that period of 1996.

6. In view of these observations, this OA being devoid of merit is hereby rejected and disposed of, however, with no order as to costs.

/CBS/ (MANTRESHWAR JHA) M(A)

Shyama Dogra 5/4/04
(SHYAMA DOGRA) M(J)