

1.

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, PATNA

OA No.306 of 2006

Date of order : 12th May, 2006

C O R A M

Hon'ble Mr. Justice P.K.Sinha, Vice-Chairman

Imtiyaz Ahmed Quadri

.....

Applicant

Vrs.

Union of India & Ors.

.....

Respondents.

Counsel for the applicant : Shri Gautam Bose

Counsel for the respondents : Shri Mukundjee, SC

ORDER [ORAL]

Justice P.K.Sinha, Vice-Chairman : -

Heard both sides. The grievance of the applicant is that after a disciplinary proceeding he was awarded punishment, his pay reduced to the lowest stage of time scale of pay for a period of six months with cumulative effect but before he could file an appeal before the Appellate Authority within the statutory period, on his own the Appellate Authority issued notice to him to show cause as to why the punishment should not be enhanced [Annexure-A/12] which the applicant replied to through

[Signature]

2.

Annexure-A/13. Thereafter, through Annexure-A/2 dated 25.8.2005, the appellate authority reviewed the order of the disciplinary authority and enhanced the punishment by reducing his pay by one stage, below, in the time scale for a period of three years with cumulative effect. The learned counsel submits that the applicant was not even given a personal hearing before the punishment was so enhanced. Against that the applicant filed a petition to the higher authorities, i.e., to the Chief Commercial Manager who is said to be the revisional authority against the order recorded in Annexure-A/2. It is submitted that this application is pending before the concerned authority which is dated 10.10.2005.

2. The learned Standing Counsel appearing for the respondents also points out to Annexure-A/13 which is the application against the order recorded by the appellate authority which is said to be pending.

3. Since this application is pending before the revisional authority, namely, the Chief Commercial Manager, E.C.Railway, Vaishali at Hazipur [Respondent No.2], it is proper that firstly the said authority considers that application and disposes of that.


4. This application, therefore, is disposed of by directing the respondent no.2, aforesaid, to consider the appeal/revision application filed before him by the applicant through Annexure-A/13 and record a speaking order within



3.

a period of three months from the date of receipt of a copy of this order. If the applicant requests him for a personal hearing, the Respondent No.2 will also grant him a personal hearing. The applicant is directed to produce before the Respondent No.2 a copy of this application with annexures along with another application, if he wants personal hearing, praying for that.

5. With the aforesaid directions, this application is disposed of.


[P.K.Sinha]VC

mps.