

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY.

O.A.No. O.A.30/86 198-
T.A.No. 198-
Stamp No. 545 of 1986.

DATE OF DECISION 23.12.1986

Mr. M.T. Kulthe Applicant/s.
Mr. T.K. Gupte Advocate for the Applicant/s.

Versus

The General Manager Respondent/s.
India Security Press, Nasik.
and another. Advocate for the Respondent(s).

CORAM:

The Hon'ble Member (A) S.P. Mukerji
The Hon'ble Member (J) M.B. Mujumdar

1. Whether Reporters of local newspapers may be allowed to see the Judgment? Yes
2. To be referred to the Reporter or not? No
3. Whether to be circulated to all Benches? No

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY

Application Stamp No.545 of 1986

Mr. Madhukar Tikaram Kulthe,
Head Clerk,
India Security Press,
Nashik Road.

.. Applicant

Vs

1. The Union of India through
the Secretary to the Govt. of India,
Ministry of Finance,
Department of Economic Affairs,
North Block, New Delhi-110 001.
2. The General Manager,
India Security Press,
Nashik Road,
Pin 422 101
(Maharashtra)

.. Respondents

Counsel: Hon'ble Member (A) S.P. Mukerji
Hon'ble Member (J) M.B. Mujumdar

Appearances:

Mr. T.K. Gupte, Advocate for the applicant.

None for the Respondents.

ORAL JUDGEMENT (Per M.B. Mujumdar, Member (J) Dated: 23.12.1986

Heard Mr. T.K. Gupte, learned Advocate for the applicant.

The applicant was working as Head Clerk in the warrant section of India Security Press, Nashik Road. After holding a departmental enquiry, the following order is passed against him by the disciplinary authority, viz., General Manager of India Security Press:-

- i) Shri M.T. Kulthe, Head Clerk, India Security Press is reduced to the lower post of Upper Division Clerk.
- ii) His pay in the reduced rank of Upper Division Clerk will be fixed in the minimum of the revised pay scale viz. Rs.1200-30-1560-EB-40-2040 i.e. Rs.1200/- per month under FR-28;
- iii) The reduction in rank and the pay thereof as ordered above will come into force with immediate effect and remain in operation for a period of three months.
- iv) On expiry of the penalty period, Shri M.T. Kulthe will stand restored to the post held prior to the penalty and will regain his original seniority

in the higher service, grade and post of higher time scale which has been assigned to him prior to the imposition of penalty ordered above viz. Head Clerk, India Security Press, Nashik Road."

According to the applicant, the above order is not implemented because he fell ill after the above order was passed and he is on medical leave since then. The above order was passed on 2.12.1986 and the applicant has preferred an appeal against the order on 8.12.1986. Still, he has approached this Tribunal because the appellate authority has no power to stay the order and the punishment would complete its run of three months shortly unless a stay is granted, by ~~the~~ this time the appeal is decided.

According to the Section 20(1) of the A.T.Act, 1985 the Tribunal can not ordinarily admit an application unless it is satisfied that the applicant had availed of all the remedies available to him under the relevant service rules for redressing his grievances. There is nothing to show as to why we should construe the word 'Ordinarily' in favour of the applicant. In fact, the applicant has preferred an appeal within six days from the order and the appeal is still pending with the appellate authority.

Still we cannot forget the difficulty experienced by the applicant in waiting till the decision of the appeal. His difficulty is that the appellate authority has no power to grant stay. We are not sure on this point, still, accepting what the applicant's advocate has stated we feel that the purpose of the application will be served if the implementation of the impugned order is stayed till the appeal is finally decided. After hearing the learned advocate for the applicant, we feel that the order in question deserves to be stayed. By the order, the applicant