

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

O.A. NO: 324/96

Date: 11-7-2000

HON'BLE SHRI B.S.JAI PARAMESHWAR MEMBER (J)  
HON'BLE SHRI B.N.BAHADUR, MEMBER (A)

G.K.Yadav  
Poultry Attendant,  
Central Poultry Breeding Farm  
Aarey Milk Colony  
Goregaon(East)  
Bombay - 400 065. .. Applicant  
(By advocate Shri S.S.Karkera)  
vs

1. Union of India  
through  
The Jt.Secretary,  
Govt. of India  
Ministry of Agriculture,  
Department of Animal  
Husbandry & Dairying,  
Krushi Bhavan,  
New Delhi.
2. Director,  
Central Poultry Breeding Farm  
Aarey Colony, Bombay 400065. .. Respondents  
(By advocate Miss.Y.J.Mestry  
for Mr. V.S.Masurkar )

O R D E R (ORAL)

(Per Hon. Shri B.S.Jai Parameshwar, Member (J))

The applicant was working as Poultry  
Assistant, in Central Poultry Breeding Farm, Bombay.  
He was issued with a charge memo for certain  
misconduct. The said charge memo was enquired  
into and the disciplinary authority by his  
proceedings No. PF-GKY/CONF/93/120 dt. 24-7-93  
(Annexure A-1) imposed a penalty of reduction

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..2/-

in the pay of the applicant by one stage (stagnation increment) from Rs.940/- + 28/- to Rs.940/- + 14/- only in the scale of Rs.750-940 for a period of two years w.e.f. 1-8-1993. The disciplinary authority further directed that the applicant would not earn increment of pay during the period of reduction and that on the expiry of this period, the reduction will not have the effect of postponing his future increment.

2. The applicant has filed this application challenging the order passed by the disciplinary authority and prays for setting aside of the same.

3. Under the CCS(CCA) Rules the applicant has an opportunity to challenge the order passed by the disciplinary authority. In fact in para-7 of the reply filed by the respondents they have submitted that the applicant had submitted an appeal on 24-4-95 against the impugned order passed by the disciplinary authority. It is stated that the appeal is belated. It is for the appellate authority to consider the question of delay and if he is satisfied about the delay he may decide the appeal on merits. We cannot say anything on this aspect of the matter.

4. The appellate authority shall consider the question of delay in the first instant after giving an opportunity of personal hearing to the applicant. In case he is convinced about the delay then he may expeditiously decide

the appeal in accordance with the rules.

5. Before deciding the appeal the appellate authority <sup>shall</sup> ~~may~~ give an opportunity of personal hearing to the applicant.

6. With the above directions the OA is disposed of.

B.N.BAHADUR

(B.N.BAHADUR)

Member (A)

JAI PARAMESHWAR

(B.S.JAI PARAMESHWAR)

Member (J) 11.7.2000

MD