

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.577/90

Dt. of order: 2.3.1995

W.D.Budhraj

: Applicant

Vs.

Union of India & Ors.

: Respondents

Mr.S.Kumar

: Counsel for applicant

Mr.Manish Bhandari

: Counsel for respondents

CORAM:

Hon'ble Mr.Gopal Krishna, Member(Judl.)

Hon'ble Mr.O.P.Sharma, Member(Adm.)

PER HON'BLE MR.GOPAL KRISHNA, MEMBER (JUDL.).

Applicant W.D.Budhraj in this application under Sec.19 of the Administrative Tribunals Act, 1985, has assailed the impugned order Annx.A1 by which a penalty of reduction to next lower grade for a period of 3 years with future effect on pay at the minimum of the scale was imposed by the respondent No.2 as also the impugned memorandum dated 10.11.90 by which he was given an opportunity to show cause as to why the penalty imposed upon him by the disciplinary authority be not enhanced to that of removal from service.


2. We have heard the applicant and the learned counsel for the respondents and have carefully gone through the records of the case.

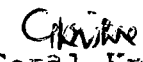
3. The applicant was serving as a Chief Clerk in the office of the Divisional Railway Manager at Kota, when he was served with a charge sheet. After the Inquiry Officer had submitted his report, the disciplinary authority imposed upon the applicant the penalty of reduction to the next lower grade for a period of three years with future effect on pay at minimum of the grade. The applicant appealed against the order of the disciplinary authority to the appellate authority, but the appellate authority vide Annx.A3 dated 10.11.90 finding that the punishment imposed by the disciplinary authority was not commensurate with the seriousness of the offence committed by the applicant and it was not desirable to retain him in service, issued a show cause notice proposing to enhance the penalty to

C.Krishna

that of removal from service. The applicant has stated before us that he has superannuated from service on 30.11.'93, during the pendency of this application, and he therefore desires that the appeal preferred by him and the reply which he now intends to submit to the show cause notice be decided through a speaking order as per rules, within a period of 3 months from the date of submission of reply to the show cause notice.

4. In view of the event of his retirement on 30.11.93, during the pendency of this O.A, we dispose of this application with a direction to the respondents to consider the representation to be filed by the applicant in response to the show cause notice (Annex.A3 dated 10.11.90) and take a decision on the applicant's appeal already filed also, in the light of the reply to be ~~fixed~~ submitted by the applicant. The respondents shall take a decision in this matter within a period of 4 months from the date of the receipt of the reply of the applicant. The applicant shall furnish his reply to the show cause notice within a period of one month from the date of the receipt of a copy of this order. There shall be no order as to costs.


(O.P.Sharma)
Member (A).


(Gopal Krishna)
Member (J).