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THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR
BENCH, JAIPUR.

O.A.NO. 1138/92 : Date of order: 22.11.93

Tara Chand : Applicant.

Mr. K.L.Thawani : Counsel for applicant.

VERSUS

Union of India & Ors. : Respondents.

Mr. M.Rafiq : Counsel for respondents.

CORAM:

HON'BLE MR. JUSTICE D.L.MEHTA, VICE CHAIRMAN

HON'BLE MR. P.P.SHRIVASTAVA, ADM. MEMBER

PER HON'BLE MR. RXR.JUSTICE D.L.MEHTA, VICE CHAIRMAN

Heard, the learned counsel for the parties. The applicant submitted the O.A. being aggrieved by the order of compulsory retirement dated 21.4.82. He preferred the appeal against the said order on 11.5.1987. It was mandatory for him atleast to wait for 6 months rule 21 (b) provide that where no final order has been made by the Government or other authority or officer or other person competent to pass such order with regard to the appeal preferred or representation made by such person, if a period of six months from the date on which such appeal was preferred or representation was made has expired. Thus,

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the Tribunal had no jurisdiction ordinarily to admit an application which has been filed before the expiry of 6 months after the filing of the appeal. However, we are not rejecting the O.A. only on this ground.

We are sorry to record that the member of the Bar has not cited the correct facts before the Court. He submitted during the course of argument that the appeal which was filed on 11.5.87 is pending. However, from the perusal of Annex.10 it is clear that the appeal was decided long back and the copy of the order of rejection was received by the applicant on 19.1.1988. It was the duty of the counsel for the applicant appearing before the Tribunal to amend the O.A. after the rejection of the appeal and make a prayer that the order of the appellate authority should also be quashed. However, no steps were taken for amendment of the Original Application and no prayer has been made so far for setting aside the order passed by the appellate authority which is at Annexure.A/10. However, taking a liberal view even on this point we are not rejecting the O.A. only on this ground. We have perused Annexure.A/7 order dated 23.5.84 and directions were given for the

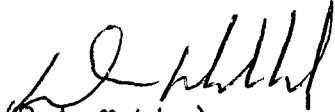
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recovery of Rs. 350/- from his pay vide order dated 21.11.83 on account of the loss sustained by the State on account of the negligence of the officer Annexure. A/8, and the second order dated 11.6.85 by which the punishment of recovery of Rs. 112.25 was awarded vide letter dated 28.2.85 for loss to Government. due to the negligence of the officer. Vide Annexure.A/9 dated 14.4.86 the penalty ~~mix~~ with holding two grade increment without cumulative effect was passed against the applicant. The disciplinary authority found him careless and negligent. Thus, continuously for the 3 years prior to the year of compulsory retirement, the applicant has been punished. Thus there is sufficient material for taking action, and we will not like to interfere with this ~~application~~. This is also liable to be rejected as it has been filed in violative of Sec. 20 clause b without waiting after a 6 months of the appeal. The O.A. is rejected, no order as to costs.


(P.P. Shrivastava)

Adm. Member


(D.L. Mehta)

Vice Chairman

Anil