

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 891 of 2003

Jabalpur, this the 5th day of January, 2004.

Hon'ble Mr. M.P. Singh, Vice Chairman  
Hon'ble Mr. G. Shanthappa, Judicial Member

Raj Kishore Sharma, Son Shri  
Kamal Kishore Sharma aged about  
35 years, Marks man(chinhakar),  
Archaeological Survey of India,  
Resident of Moti Mohalla, District  
Ashok Nagar, (M.P.)

APPLICANT

(By Advocate - Dr. R.K. Gupta)

VERSUS

1. Union of India through  
The Principal Secretary,  
Ministry of Tourism and Culture,  
New Delhi.
2. The Director General  
Archaeological Survey of India,  
New Delhi.
3. Superintending Archaeologist,  
Archaeological Survey of India,  
Bhopal circle,  
Bhopal (M.P.)
4. Assistant Superintending Archaeologist  
Archaeological Survey of India,  
Archaeological Museum,  
Singhpur Mahal,  
Chanderi district Ashoknagar (M.P.)

RESPONDENTS

ORDER (ORAL)

By M.P. Singh, Vice Chairman -

The applicant has filed this Original Application  
claiming the following main reliefs :-

"(i) That this Hon'ble Tribunal may be pleased to  
quash the impugned order dated 29.11.2002 (Annexure  
A-1) which is vague and against the provisions of  
CCS(CCA) Rules, 1965.

(ii) That this Hon'ble Tribunal may be pleased to  
direct that the period of suspension from 23.05.2002  
to 27.11.2002 will be treated as spent on duty will  
all consequential benefits."

2. The brief facts of the case as stated by the applicant

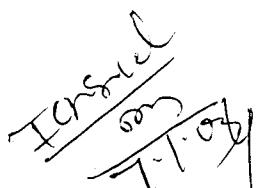
are that he is working as Marksman (Chinhakar) Group-C in the office of respondent No. 4 i.e. Assistant Superintending Archaeologist, Archaeological Survey of India, Archaeological Museum, Singhpur Mahal, Chanderi, District Ashoknagar (M.P.). While working as Marksman he was issued with a charge sheet and an enquiry was initiated against him under Rule 14 of the CCS(CCA) Rules, 1965. After holding the enquiry ex-parte, the respondents have imposed the minor penalty on the applicant by with-holding his one increment vide order dated 29.11.2002, and by the same order the applicant has also been transferred from Archaeological Museum Chanderi to Archaeological Museum, Khajuraho. The applicant has preferred an appeal to the appellate authority on 31.12.2002. But till now the respondents have not taken any decision on his appeal. Aggrieved by this the applicant has filed this Original Application.

3. In the circumstances, we deem it appropriate to direct the respondents to first decide the appeal of the applicant. Accordingly, respondent No. 2 is directed to consider and decide the appeal submitted by the applicant on 31.12.2002, by passing a speaking, detailed and reasoned order within six weeks from the date of receipt of copy of this order.

4. Accordingly, the Original Application stands disposed of at the admission stage itself.

  
(G. Shanthappa)  
Judicial Member

  
(M.P. Singh)  
Vice Chairman

  
"SA"

पृष्ठांकन रहे ओ/न्या.....  
परिनियमि अधीक्षित  
(1) राजीव. उच्च न्यायालय वार एवं राज्यालय, न्यायालय  
(2) विधायक श्री/श्रीमती/कु.....  
(3) विधायक श्री/श्रीमती/कु.....  
(4) विधायक श्री/श्रीमती/कु.....  
क.उस्तुत  
Dr. R.K. Chipla, Adv.