

**THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR
ORDER SHEET**

APPLICATION NO.: _____

Applicant(s)

Respondent (s)

Advocate for Applicant (s)

Advocate for Respondent (s)

NOTES OF THE REGISTRY


ORDERS OF THE TRIBUNAL

OA No.355/2007.

5.10.2007.

Mr. P. N. Jatti counsel for the applicant.

Heard. The OA has been disposed of by a separate order.


(J. P. SHUKLA)
ADMINISTRATIVE MEMBER


(M. L. CHAUDHARY)
JUDICIAL MEMBER

P.C./

CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH

OA No.355/2007.

Jaipur, this the 5th day of October, 2007.

CORAM : Hon'ble Mr. M. L. Chauhan, Judicial Member.
Hon'ble Mr. J. P. Shukla, Administrative Member.

Hassan Mohd.
S/o Janab Phool Mohd.
Aged about 59 years,
R/o 21, Khandala House,
Sansar Chandra Road,
Jaipur.

... Applicant.

By Advocate : Shri P. N. Jatti.

Vs.

1. Union of India
Through the Registrar General of India,
Department of Census, 2A Man Singh Road,
New Delhi.
2. Deputy Director (Controlling Officer)
Directorate of Census Operation 6 B,
Jhalana Doongri,
Jaipur.

... Respondents.

: O R D E R (ORAL) :

The applicant has filed this OA thereby praying for the following reliefs :-

8.1 That the humble applicant in this matter prays that the whole record in this matter be called for and after the kind perusal of the record the orders dated 12.9.2007 issued by the Addl. Registrar General, India-Ad hoc Disciplinary Authority being illegal, arbitrary, contradictory to the rules and the article 14 and 16 of the Constitution of India be quashed and set aside.

8.2 That the humble applicant wants to draw your kind attention to the facts that only a period of six months is left to superannuation of applicant therefore, imposing a penalty of reducing applicant pay by two stages in time scale that too without

allowing next regular increment of pay would have a permanent effect on pension meaning thereby loss of a part of pension meaning thereby loss of part of pension throughout life period. Therefore, applicant prays for quashing such an arbitrary punishment order dated 12.9.2007."

2. We have heard the Learned Counsel for the applicant.

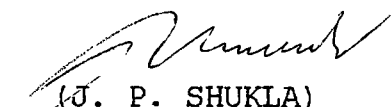
3. Learned Counsel for the applicant submits that though he is aware that cause of action has yet not arisen but he has to approach this Tribunal because the applicant is to retire on superannuation on 31.3.2008 and in case the appeal of the applicant is not decided expeditiously, then the order of penalty will effect the pensionary benefits of the applicant. Thus, according to Learned Counsel for the applicant it is on the ground of this urgency that the applicant has approached before this Tribunal by way of filing this OA. Learned Counsel for the applicant further submits that he will be satisfied at this stage if a direction is given to the Appellate Authority to dispose of the appeal of the applicant on merit expeditiously.


4. We have given due consideration to the submissions made by the Learned Counsel for the applicant. In view of the peculiar facts and circumstances of the case and the fact that the applicant is to retire on superannuation on 31.3.2008, we are of the view that ends of justice will be met if a direction is given to the Appellate Authority to decide the appeal of the applicant dated 18.09.2007 (Annexure A/10) expeditiously by passing

162

a speaking and reasoned order in terms of requirement /
mandate in sub Rule 2 of Rule 27 of the CCS (CCA) Rules
1965.

5. Accordingly, the present OA is disposed of with a
direction to the Appellate Authority to dispose of the
appeal of the applicant by passing a reasoned and
speaking order dealing with all the contents raised by
the applicant in his appeal and also as per mandate of
Sub Rule 2 of Rule 27 of CCS (CCA) Rules, 1965 on or
before 30.11.2007 and in view of the law laid down by the
Apex Court in the case of Narendra Mohan Arya vs. United
India Insurance Co. Ltd. and Others, reported in 2006 SCC
(L&S) 840. Needless to add that in case the applicant is
still aggrieved, it will be open for him to pursue
further remedy in accordance with law.


(J. P. SHUKLA)
ADMINISTRATIVE MEMBER


(M. L. CHAUHAN)
JUDICIAL MEMBER

P.C./