

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH**

**O.A No. 060/01107/2014      Date of decision -10.12.2014**

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**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)  
HON'BLE MS. RAJWANT SANDHU, MEMBER (A)**

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Paramjit Kaur, Ex-lady Hostel Warden, PGI, Sector 12, Chandigarh, now resident of House No. 31, Phase 3-B-1, S.A.S. Nagar, Mohali, District, Mohali (Punjab).

**...APPLICANT**

**BY ADVOCATE:** Sh. Arvind Moudgil

**VERSUS**

1. Union of India through the President, PGIMER & Hon'ble Union Minister of Health & Family Welfare, Nirman Bhawan, New Delhi-110011.
2. The Secretary, Ministry of Health and Family Welfare, Nirman Bhawan, New Delhi.
3. Director, PGIMER, Sector 12, Chandigarh.
4. Mrs. Indarjeet kaur Walia, Ex Principal College of Nursing, PGIMER, Sector 12, Chandigarh.

**...RESPONDENTS**

**ORDER (ORAL)**

**HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J):-**

Challenge in the present O.A is to the inquiry report dated 30.03.2012, order dated 11.10.2012 passed by the Disciplinary Authority inflicting the penalty of compulsory retirement upon the applicant and the order dated 10.10.2014

passed by the Appellate Authority dismissing the appeal. A prayer has also been made to direct respondent no. 1 to decide the revision petition dated 27.10.2014.

2. We are not inclined to entertain in the present O.A, due to the pendency of the statutory revision petition filed by the applicant under Rule 29 of CCS (CCA) Rules, 1965.

3. Faced with the above, learned counsel for the applicant made a statement at the bar that let the instant O.A be disposed of with a direction to respondent no. 1 to decide the pending revision petition, as early as possible. He submitted that the applicant apprehends that his revision petition would be kept pending and will not be decided at an early date for the reason that even his appeal was decided by the appellate authority, after almost two years.

4. We have considered the submissions.

5. Thus, there does not appear to be any reason for us to presume at this stage that the Revisional Authority will not take a view in the matter within the time frame as prescribed under the instructions. The provision for fixing and disposal of revision petitions is to be found under Rule 29 of the CCS (CCA) Rules, 1965. Rule 29(3) clearly provides that "*an application for revision shall be dealt with in the same manner as if it were an appeal under these rules*". There is an elaborate procedure provided for disposal of the appeal including the limitation period in Rules 25 to 27 of the CCS (CCA) Rules, 1965. The instructions too provide for that there is no provision for withholding of an appeal. Time limit for forwarding of appeal has also been prescribed within a fixed period. Instructions have also been issued for timely disposal of appeals, in order dated 15.05.1971. The same is reproduced as under:-

"2. The two suggestions mentioned in para 1 have been examined. Although the appellate authorities are expected to give a high priority to the disposal of appeals, there might be cases in which the hands of the appellate authority are too full and it may not be able to devote the time and attention required for the disposal of appeals within a short period. In such case the appellate authority can be relieved of his normal work to such an extent as would be necessary to enable him to devote the required time and attention to the disposal of appeals pending before him by redistribution of that work amongst other officers. If, however, the number of appeals received or pending with any particular appellate authority is very large, the appellate work itself could be redistributed as far as possible among a number of officers of equivalent rank and in any case not below the rank of the appellate authority through a general order issued in exercise of the powers under Rule 24 of the CCS (CCA) Rules.

3. As regards prescribing procedure for review of the position regarding pending appeals, it has been decided that, apart from the provisions laid down in the Manual of Office Procedure whereby cases pending disposal for over a month are reviewed by the appropriate higher authorities, a separate detailed statement of appeals pending disposal for over a month should be submitted by the appellate authority to the next higher authority indicating particularly the reasons on account of which the appeals could not be disposed of within a month and the further appeals could not be disposed of within a month and the further time likely to be taken for disposal of each such appeal, along-with the reasons therefor. This would enable the appropriate higher authority to go into the reasons for the delay in the disposal of appeals pending for more than a month, and take remedial steps wherever necessary to have the pending appeals disposed of without further delay. In cases where the appellate authority is the President under Rule 24 of the CCS (CCA) Rules, 1965, the aforesaid

statement should be submitted to the Secretary of the Ministry/Department concerned for similar scrutiny.

6. Considering that the present O.A is premature as Revisional Authority is yet to take a view on the same, we dispose of the present O.A with a fervent hope that the Revisional Authority will decide the pending revision petition of the applicant within the time frame as prescribed in the rules/instructions. Thereafter, the applicant would be free to approach this Tribunal, if need arises.

7. Needless to say that we have not expressed any view on the merits of the case.

8. No order as to costs.

**(SANJEEV KAUSHIK)**  
**MEMBER (J)**

**(RAJWANT SANDHU)**  
**MEMBER (A)**

**Dated: 10.12.2014**

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