

The compendium of the facts and material, which needs a necessary mention for the limited purpose of deciding the instant Miscellaneous Application (MA) bearing No.1226/2016 for extension of time filed by the respondents is that initially, applicant, Gladwin Singh, filed Original Application (OA) bearing No.3777/2015 with the main grievance that although he preferred the departmental appeal on 10.08.2013 challenging the order of Disciplinary Authority, but the same was not decided by the Appellate Authority.

2. The main OA was disposed of vide order dated 12.10.2015 by this Tribunal, the operative part of which is as under:-

“5. Having regard to the aforesaid submissions advanced and since it is the claim of the applicant that the departmental appeal preferred by him has not been decided so far, the applicant's O.A is disposed of directing the respondents-appellate authority, particularly respondents no. 2 and 3, to decide the said appeal by a speaking order within a period of two months from today and in accordance with law, provided the said appeal has not been decided already. Needless to say that if the appeal has already been decided, the order passed shall be communicated to the applicant.

3. Instead of deciding the appeal within a stipulated period, the respondents have preferred the instant MA for extension of time, mainly on the ground that since the appeal filed by the applicant against the punishment order dated 28.06.2013 is under process as per AIIMS Acts and Rules by the Appellate Authority so appeal could not be decided. On the basis of the aforesaid grounds, the respondents sought extension of 3 months to comply with the order passed by the Tribunal. The learned counsel for the Applicant has seriously opposed this prayer of the respondents.

4. After hearing the learned counsel for the parties and going through the record, we are of the considered opinion that no ground for extension of time is made out.

5. As is evident from the record, the vague ground for extension of time that the appeal filed by the applicant is under process by the Appellate Authority. The appeal has to

be decided as expeditiously as possible by the Appellate Authority within a stipulated period as fixed by this Tribunal. No cogent ground/explanation is forthcoming on record as to why Appellate Authority has not decided his appeal.

6. Possibly it cannot be denied that the tendency and frequency of the departments concerned not to decide the appeal and to violate the order of the courts at the first instance and then to file the MA for extension of time on unfounded grounds, have been tremendously increasing day by day, which needs to be curbed. Therefore, we are of the considered opinion, no grounds, much less cogent to extend the time for compliance of the order of this Tribunal are made out.

7. In the light of aforesaid reasons, as there is no merit, the MA is dismissed with cost of Rs.2000/- to be paid by the respondents to the applicant.

(SHEKHAR AGARWAL)
MEMBER (A)

(Justice M.S. SULLAR)
MEMBER (J)

Rakesh