

Central Administrative Tribunal
Principal Bench: New Delhi

OA No.1376/2017

New Delhi, this the 26th day of April, 2017

Hon'ble Mr. Shekhar Agarwal, Member (A)
Hon'ble Mr. Raj Vir Sharma, Member (J)

Sh. S.K.D. Naik (Aged about 54 years)
Assistant Section Officer
S/o Sh. Devi Dass Naik,
R/o B-2, Top Floor,
Tagore Garden Extn.,
Delhi – 110 027.

... Applicant

(By Advocate: Shri T.N. Tripathi)

Versus

1. Secretary to the Govt. of India,
Ministry of Panchayati Raj,
Ground Floor, Krishi Bhawan,
New Delhi – 110 001.
2. Joint Secretary (Establishment),
Ministry of Panchayati Raj,
Sardar Patel Bhavan, 1st Floor,
Parliament Street,
New Delhi – 110 001.
3. Secretary to the Govt. of India,
Ministry of Finance,
Department of Revenue, North Block,
New Delhi-110001. ... Respondents

O R D E R (Oral)

By Hon'ble Mr. Shekhar Agarwal, Member (A):

Learned counsel for the applicant has submitted that the applicant was punished in disciplinary proceedings and awarded a penalty of reduction to a lower stage in the time scale of pay by two stages for a period of five years with further stipulation that he shall not earn increments during the period of such reduction and after expiry of this period, the reduction will have the effect of

postponing his future increments. Thereafter the applicant has been convicted in a criminal case on the same charge. Now the respondents have issued a show cause notice in which they propose to enhance the penalty to that of dismissal from service. The applicant has submitted a representation as reply to show cause notice on 13.04.2017. The respondents have yet to take a decision on the same.

The applicant is seeking the following reliefs in this OA:

"(i) quash the order dated 27.03.2017 whereby the Respondents are proposing to enhance the punishment already imposed upon the Applicant by the Disciplinary Authority under Rule 14 of CCS (CCA) Rules 1965 to his dismissal from service due to his conviction by the Trial Court.
(ii) restrain the Respondents from taking any action, proposing for enhancement of punishment for his dismissal from service as indicated in para 3 of the order dated 27.03.2017 issued by the respondents, Ministry of Panchayatiraj.
(iii) direct the Respondents to treat the Applicant at par with other similarly placed person Sh. Bale Singh Kasana and Bhagwan Singh Parmar, the co-accused in the same case and convicted by the Trial Court and in their case, the Disciplinary authority has taken a lenient view to revoke their suspension with immediate effect vide its order dated 25.02.2015 and direct the respondents to grant the same relief which has been granted to similarly situated persons.
(iv) Any other order, this Hon'ble Tribunal deems proper in the interest of justice."

2. In our opinion, the applicant has approached us at the stage of issuance of show cause notice when no adverse order against him has so far been passed. Therefore, there is no cause of action and interference of this Tribunal at this stage is not required.

3. We, therefore, dispose of this OA with direction to the respondents that before issuing final order in the case of the applicant, they may take into account his representation dated 13.04.2017.

(Raj Vir Sharma)
Member (J)

(Shekhar Agarwal)
Member (A)