

**Central Administrative Tribunal
Principal Bench**

OA No.3527/2015

New Delhi, this the 23rd day of September, 2015

**Hon'ble Mr. G. George Paracken, Member (J)
Hon'ble Mr. V.N. Gaur, Member (A)**

D. S. Saini,
Craft Instructor,
Dept. Of Social Welfare, GNCT,
Age 59 years,
S/o Shri B.D. Saini,
R/o DA-19B (GF),
Hari Nagar, New Delhi.

...applicant

(By Advocate : Shri Padma Kumar S.)

Versus

1. Govt. of NCT Delhi,
Through Chief Secretary,
Delhi Secretariat,
2. The Principal Secretary,
WCE/SW, GNCT,
GLNS Complex, Delhi Gate,
New Delhi-110002.
3. The Director,
Dept. Of WCD,
1, Canning Lane,
K.G. Marg,
New Delhi-110001.

...respondents.

ORDER (ORAL)

Mr. G. George Paracken, Member (J) :

The applicant has filed the present OA seeking the following relief(s) :-

(a) Declare that the action of the respondent in not deciding the statutory appeal dated 10.10.2014 preferred by the Applicant is arbitrary and therefore unconstitutional.

(b) Direct the respondents to decide and communicate to the Applicant the outcome of the Appeal with further liberty to the Applicant to challenge the decision if the same is against the applicant.

(c) Any other relief which the Hon'ble Tribunal may deem appropriate."

2. It is seen that the Disciplinary Authority, vide order No.F.3(27)/DWCD/Vig./Susp./2010/655 dated 29.08.2014, imposed the penalty of reduction of pay by 4 lower stages in the time scale of pay for two years upon the applicant with further direction that he shall not earn increments of pay during the period of such reduction which will have the effect of postponing the future increment of his pay. The aforesaid order has been passed under Rule 14 of CCS (CA) Rules, 1965, which provides for appeal. According to the learned counsel for applicant, he preferred an appeal against the aforesaid order on 10.10.2014 but it has not been considered and disposed of so far. Appeal against the order of the Disciplinary Authority is a statutory provision contained in the CCS (CCA) Rules, 1965 and the Appellate Authority is duty bound to consider and dispose of the same.

3. In view of the above, this OA is disposed of at the admission stage itself, with a direction to the Appellate Authority to consider and dispose of the appeal of the applicant, if not already done,

within two months from the date of receipt of a copy of this order.

There shall be no order as to costs.

(V.N. Gaur)
Member (A)

(G. George Paracken)
Member (J)

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