

**NTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

**OA No.3196/2017**

New Delhi this the 14<sup>th</sup> day of September, 2017

**Hon'ble Mr. V. Ajay Kumar, Member (J)  
Hon'ble Ms. Nita Chowdhury, Member (A)**

Dr. D.S. Shankar, Assistant Professor, Group 'A'  
Aged about 47 years  
S/o Shri Dhivalingappa,  
R/o IV/16, NCERT Staff Quarters,  
Nasirpur, Dwarka, Sector-1A,  
New Delhi-110045.

....Applicant

(By Advocate: Shri M.K. Bhardwaj)

**Versus**

1. Union of India  
Through its Secretary,  
Ministry of Human Resources & Development,  
Shastri Bhawan,  
New Delhi.
2. The Joint Secretary,  
Ministry of Human Resources Development,  
Department of School Education & Literacy,  
Shastri Bhawan,  
New Delhi.
3. National Council of Education Research & Training  
Through its Director,  
Sri Aurbindo Marg,  
New Delhi-110016.
4. Professor H.K. Senapati,  
Director,  
National Council of Education Research & Training  
Sri Aurbindo Marg,

New Delhi-110016.

...Respondents

(By Advocate : Shri Rajinder Nischal)

**ORDER (ORAL)**

**Mr. V. Ajay Kumar, Member (J) :**

Heard Shri M.K. Bhardwaj, learned counsel for applicant and Shri Rajinder Nischal, learned counsel, on receipt of advance notice for the respondents.

2. The applicant who is presently working as Assistant Professor, a Group 'A' employee under the respondent No.3, National Council for Educational Research and Training, New Delhi, has filed this OA questioning the Annexure-A/1 penalty order dated 24.04.2017, whereunder, he was imposed with the penalty of withholding of increment for five years with cumulative effect.

3. It is submitted that the applicant made a number of representations including Annexure-A/8 dated 04.07.2017 against the impugned penalty order. However, the learned counsel for applicant admitted that the same is not in a proper form of statutory appeal and accordingly, prays for permitting the applicant to make appropriate statutory appeal against the impugned penalty order.

4. In the circumstances, the OA is disposed of without going into the merits of the case, by permitting the applicant to make an

appropriate statutory appeal to the concerned appellate authority in a proper manner within two weeks from the date of receipt of a certified copy of this order, and on receipt of such statutory appeal from the applicant, the appellate authority shall consider the same and pass appropriate reasoned and speaking order thereon, within a period of 90 days therefrom, in accordance with law. If the applicant prefers the statutory appeal, within the said period of two weeks, the appellate authority may not reject the same on the ground of delay. No costs.

5. Let a copy of the OA be enclosed to this order.

( Nita Chowdhury )  
Member (A)

( V. Ajay Kumar )  
Member (J)

‘rk’