

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

O. A. No.60/183/2015

...
Date of decision: 23.11.2017
...

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J).
HON'BLE MRS. PRAVEEN MAHAJAN, MEMBER (A).**

...

Surinder Singh S/o late Sh. Malwa Ram, aged about 61 years, R/o House No.2001, Sector-28, Chandigarh, Ex. Junior Assistant, Depot No.III, CTU, Chandigarh.

... APPLICANT

VERSUS

1. Union Territory Chandigarh through Home Secretary-cum-Secretary Transport, U.T. Secretariat, Sector 9-D, Chandigarh.
2. Divisional Manager-cum-Director Transport, Union Territory, Chandigarh, Industrial Area, Phase-I, U.T. Chandigarh.
3. General Manager, Chandigarh Transport Undertaking, Depot No.III, Sector-25, U.T. Chandigarh.

... RESPONDENTS

PRESENT: Sh. K. C. Chaudhary, counsel for the applicant.
Sh. Rakesh Verma, counsel for the respondents.

ORDER (Oral)

...
SANJEEV KAUSHIK, MEMBER (J):-

1. The present O.A. has been filed wherein applicant has sought following relief:-

"8(i) The impugned order dated 21.08.2001, 06.05.2009, 29.06.2004, 29.01.2007 and 03.10.2012 passed by the respondents being illegal and in violation of principles of natural justice and to direct the respondents to pay him full salary for the suspension period from 21.08.2001 to 31.10.2002 and further salary for the intervening period between dismissal and the reinstatement i.e. from 29.06.2004 to 01.02.2007 and stoppage of time pay scale

for five years with all consequential benefits and re-fix his salary with all arrears of salary etc.”

2. After exchange of pleadings, we have heard learned counsel for the parties. What borne out from record that the applicant is aggrieved against order dated 03.10.2012 (Annexure A-5) whereby after clubbing of three different charge sheets issued vide Memo No.881 dated 24.01.2002 for defrauding of Rs.72,270/-, Memo No.16113 dated 08.11.2011 for mis-utilization Govt. exchequer to Rs.64,328/- and Memo No.1180 dated 27.01.2003 for mis-utilization of Govt. exchequer to Rs.8143/-, the Disciplinary Authority had passed single order by inflicted punishment of reducing the pay of the applicant to minimum of the time scale for a period of 5 years and that applicant will not earn any increment of pay during the period of reduction and on the expiry of this period, this reduction will have the effect of postponing his future increments. Aggrieved against this order, applicant stated to have filed appeal which has been decided vide order dated 08.01.2015 (Annexure A-10) whereby view taken by the disciplinary authority has been upheld by dismissing appeal.
3. Learned counsel for the applicant vehemently argued that under law, the respondents cannot club all charge sheet by passing single order, therefore, the impugned order is bad in law, as such the orders of Disciplinary Authority as well as Appellate Authority be set aside.
4. Sh. Rakesh Verma, learned counsel for the respondents argued that since applicant has not impugned order in appeal, therefore, petition be dismissed. He has no words to defend the plea raised by the applicant.

5. We have given our thoughtful consideration to the entire matter and are of the view that respondents cannot inflict punishment by clubbing different charge sheets by passing single order. Respondents have failed to point out any rule or instructions issued by Chandigarh Administration in this behalf. Therefore, the impugned order cannot sustain. Accordingly, impugned orders dated 03.05.2012 and order in appeal dated 08.1.2012 are quashed and set aside. However, liberty is granted to the respondents to pass a separate order, if they so desire. The O.A. is accordingly allowed.

(PRAVEEN MAHAJAN)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Date: 23.11.2017.
Place: Chandigarh.

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