

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

O.A. No.60/691/2017

...
Date of decision: 26.02.2018

...
CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J).

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Navin Kumar Nanchahal s/o Late Ved Parkash Nanchahal, age 66 years, Principal (Retd.). Dr. Ambedkar Institute of Hotel Management, Sector 42-D, Chandigarh r/o House no.3481, Sector 71, Mohali, retired Principal, Dr. Ambedkar Institute of Hotel Management Catering & Nutrition, Sector 42-D, Chandigarh (Group 'A')

...APPLICANT

VERSUS

1. Union of India through Secretary to Government of India, Ministry of Tourism, Transport Bhawan, 1 Parliament Street, New Delhi-110001.
2. Dr. Ambedkar Institute of Hotel Management Catering & Nutrition, Sector 42-D, Chandigarh, through its Secretary cum Principal.
3. The Chairman, Board of Governors, Dr. Ambedkar Institute of Hotel Management Catering & Nutrition, Sector 42-D, Chandigarh, cum Secretary Tourism, Chandigarh Administration, Deluxe Building Sector 9. Chandigarh.

...RESPONDENTS

PRESENT: Sh. Rohit Sharma, counsel for the applicant.
Sh. Arvind Moudgil, counsel for the respondents.

ORDER (Oral)

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SANJEEV KAUSHIK, MEMBER (J):-

1. Present O.A. has been filed impugning the order dated 07.6.2017 (Annexure A-1) read with letter dated 26.05.2017 whereby the respondents have inflicted punishment of deduction of 15% from pension and dearness allowance for a period of 5 years.
2. After exchange of pleadings, when matter came up for hearing the respondents raised a plea that this petition is not maintainable on two counts firstly that the impugned order is appealable and secondly in earlier O.A. 60/594/2017 which was withdrawn on

26.05.2017 enabling the applicant to approach competent authority. Instead of availing remedy as available under law, the applicant has filed second petition impugning same very order. Thus, it is prayed that OA be dismissed on these grounds.

3. Learned counsel appearing on behalf of the applicant did not dispute this fact. However, he submitted that immediately on the next day after disposal of O.A., applicant submitted representation for not making recovery. He argued that since respondents have immediately started recovery, therefore, he approached this Court by filing this O.A.
4. Considering above noted facts, since applicant is having remedy of statutory appeal against the impugned order for which he also withdrew earlier petition, therefore, I am not inclined to entertain this petition. However, liberty is given to applicant to file statutory appeal along with application for condonation of delay within one week from the date of receipt of a certified copy of this order. If the same is filed within one week, then respondents are directed not to dismiss the same on ground of delay and to decide his appeal within time stipulated time under rule formation. If the appeal is not decided within stipulated time, then they will not effect further recovery till appeal is decided.
5. The O.A. is disposed of in the above terms.

(SANJEEV KAUSHIK)
MEMBER (J)

Date: 26.02.2018.
Place: Chandigarh.

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