

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

O.A.No.310/01325/2018

Dated Tuesday, the 9th day of October, Two Thousand Eighteen

PRESENT

**HON'BLE MRS.JASMINE AHMED, MEMBER(J)
&
HON'BLE SHRI T.JACOB, MEMBER(A)**

M.Selvam,
S/o Mani,
No.10, Theemithi Street,
Delarshpet, Veeman Nagar,
Puducherry.

... Applicant

By Advocate M/s M.R.Thangavel

Vs.

1.Union of India, Rep., by
The Government of Union Territory of
Puducherry, Through the Secretary
to Government, Department of Home,
Chief Secretariat, Puducherry.

2.The Director General of Police,
Police Department,
Puducherry.

3.The Inspector General of Police,
Police Department, Puducherry.

4.The Superintendent of Police (Head Quarters),
Police Department, Puducherry.

5.The Superintendent of Police(West),
Police Department, Puducherry.

... Respondents

ORDER

(Pronounced by Hon'ble Mrs.JASMINE AHMED, Judicial Member)

The applicant has filed this OA under Section 19 of the Administrative Tribunal's Act, 1985 seeking the following relief:

- “(i)To set aside the order of the 2nd respondent made in No.27-1/POL/OSD/DE-1/2015 dated 01.07.2018 and consequently direct the respondents to pay all consequential and monetary benefits to the applicant and
- (ii)To pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case and thus render justice.”

2. Heard Mr.M.R.Thangavel, learned counsel for the applicant. It is contended by the learned counsel for the applicant that by order dated 01.07.2018, the respondents have imposed a punishment of withholding of three increments with cumulative effect on the applicant and also suspension period from 01.09.2015 till the date of joining his duty on the reinstatement order dated 12.02.2016 is treated as period not spent on duty for all purposes. It is also contended by the learned counsel for the applicant that the order is passed by Director General of Police, Puducherry.

3. On query, why he has not preferred any appeal against the order of the disciplinary authority, learned counsel for the applicant states that he was under the assumption that as the order has been passed by the highest authority, he does not need to file any appeal. When the matter was listed yesterday, we asked the counsel for the applicant to produce before us the notification in regard to the hierarchy of the disciplinary and appellate authorities, to which the counsel for the applicant has produced the notification dated 09.01.1968 along with other amendments. It is seen that in the documents produced by the applicant dated 03.02.1992 in the case of one Police Constable, if the order is passed by IGP, then the Chief Secretary is the appellate authority. So in this case, the applicant could have filed an appeal before the Chief Secretary against the order of the disciplinary authority. It is also seen that the appeal to be preferred within one month from the date of passing of the disciplinary authority order. Here in this

case, it is 01.07.2018. So, the counsel for the applicant states that liberty may be given to him for filing the appeal condoning the delay for filing the appeal. We give liberty to the applicant to prefer an appeal within two weeks from the date of receipt of a certified copy of this order and the respondents are directed to take a reasoned decision on his appeal as per rules, if preferred.

3. The OA is disposed of accordingly at the admission stage. It is made clear that nothing has been commented on the merits of the case.

(T.JACOB)
MEMBER (A)

09.10 .2018

(JASMINE AHMED)
MEMBER (J)

M.T.