

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT SITTINGS:GWALIOR

Original Application No.202/00468/2017

Gwalior, this Monday, the 22nd day of October, 2018

HON'BLE SHRI R. RAMANUJAM, ADMINISTRATIVE MEMBER
HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER

Ved Prakash Pande S/o Late Shri Ram Swaroop Pande, Aged 61 years, Occupation Pensioner retired from the post of Laboratory Attendant from I.H.M. Gwalior MP R/o H.No.07 Vinay Nagar Sector-II A Gwalior 474012 (MP)

M.No.8878169083

-Applicant

(By Advocate –**Shri S.C. Sharma**)

V e r s u s

1. Union of India Through the Secretary,
Tourism Government of India,
Transport Bhawan, Sansad Marg,
New Delhi 110001

2. Additional Director General-Cum-Chief Executive Officer,
NCH MACT Ministry of Tourism, Government of India
Room No.120/125 Transport Bhwan,
Sansad Marg, New Delhi 110001

3. The Chairman (Institute of Hotel Management,
Gwalior) Tourism Secretary, Govt. of M.P.
Vallabh Bhawan, Bhopal 462004

4. Principal, Institute of Hotel Management Airport Road,
Gwalior 474020 (M.P.)

5. Shri J.K. Mangraj, The Then Incharge Principal
I.H.M. Gwalior At present Principal Institute of
Hotel Management Gandhi Nagar,
Gujarat

- Respondents

(By Advocate –**Shri C.P. Singh**)

O R D E R (ORAL)**By R. Ramanujam, AM:-**

Heard. The applicant has filed this Original Application seeking following reliefs:-

“8.1 That, the charge sheet No.IHMG/Est./PF 29/3621/9 Gwalior dated 16.11.09 in Annexure A/17 of Annexure A along with whole proceedings of enquiry and inquiring report may kindly be quashed.

8.2 That, the impugned punishment order No.IHMG/Est.1313/16 dated 20.05.16 in Annexure A/D be quashed.

8.3 That, the illegal action of appellate authority in not deciding statutory appeal may kindly be deprecated and be directed to decide and communicate the order within time frame.

8.4 Any other relief which this Hon’ble Tribunal deems fit be also awarded along with cost Rs.20000/-.”

2. It is submitted that the applicant had been inflicted with a major penalty of withholding four increments by Annexure A/D order of the disciplinary authority dated 20.05.2016. The applicant submitted Annexure A/E appeal dated 04.07.2016 against the said order to the Chairman (IHMG) and Tourism Secretary Government of M.P., Bhopal, which has still not been disposed of. As an appeal against an order of penalty imposed by the disciplinary authority is provided for in Rule 23 of Central Civil Services (Classification, Control and Appeal) Rules, 1965, which governed

the service conditions of the applicant, the inaction on the part of the appellate authority is violative of the rules, it is contended.

3. Learned counsel for the respondents submits that in view of the pendency of the appeal, a direction could be issued by the Tribunal to dispose of the appeal within a time limit as it would be premature for the Tribunal to go into the merits of the case at this stage.

4. In view of the submissions and without going into the substantive merits of the case, the competent authority is directed to consider Annexure A/E appeal dated 04.07.2016, submitted by applicant against the order of the disciplinary authority in accordance with law and pass a reasoned and speaking order within a period of two (02) months from the date of receipt of a copy of this order. No costs.

(Ramesh Singh Thakur)
Judicial Member

(R. Ramanujam)
Administrative Member

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