

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Monday 28th day of January Two Thousand And Nineteen

PRESENT:

THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)
THE HON'BLE MR. P.MADHAVAN, MEMBER (J)

O.A.310/78/2018

M. Sheik Mohamed,
Master Craftsman, now reduced to lower grade of Mechanist
(SSK), Personal No. 2623/PS4/25, Ordnance Factory,
Trichy, Trichy District.

....Applicant

(By Advocate: M/s. Ajmal Asociates)

Versus

1. Union of India Rep. by
The Secretary, Ordnance Factory Board,
Section: Per/G, No.10-A, S.K. Bose Road,
Kolkatta- 700 001;
2. Director General of Ordnance Factory,
Ordnance Factory,
Section: Per/G, No.10-A, S.K. Bose Road,
Kolkatta- 700 001;
3. The Works Manager/Administration,
Ordnance Factory,
Trichy- 620 016;
Trichy District;
4. The General Manager,
Ordnance Factory,
Trichy- 620 016,
Trichy District.

...Respondents/Respondents

(By Advocate: Mr.Su. Srinivasan)

O R A L O R D E R

(Pronounced by Hon'ble Mr. R. Ramanujam, Member (A))

Heard. Applicant has filed this OA seeking the following relief:-

"to set aside the impugned Order No. 18170/PER/DISC/46/16 dated 03.05.2018 passed by the 2nd respondent herein as illegal and thus render justice."

2. Mr. Su. Srinivasan, Learned Standing for the respondents takes notice on behalf of the respondents.

3. The applicant is aggrieved by Annexure-A/10 impugned order dated 3.5.2018 by which the disciplinary authority has imposed the penalty of "reduction to the lower grade of Machinist (SSK) minimum of basic at entry of service from the present grade of Master Craftsman". It has also been stated therein that the reduction would be permanent in nature and he would earn increments as usual on the reduced pay of Machinist (SSK). It is submitted that the order was bad in law as another O.A. 1587/2016 challenging the charge memo itself is still pending before this Tribunal. Under such circumstances, the impugned order ought not to have been issued. To a specific query whether disciplinary proceedings had been stayed through any interim order of this Tribunal, the learned counsel for the applicant would answer in the negative.

4. We have considered the matter. As there is no interim order in O.A. No. 1587/2016 to stay the disciplinary proceedings, it would not be possible to hold that the impugned order is bad in law as contended by learned counsel for the applicant. The applicant has a right to file an appeal before the competent authority against the impugned order which remedy has not

been exhausted. As such, it is not possible for this Tribunal to entertain this O.A. and it is liable to be dismissed.

5. At this stage, learned for the applicant submits that the time limit for appeal has expired and, therefore, the applicant may be allowed to file an appeal to the competent authority in relaxation of the time limit prescribed under the rules. As the applicant appears to have genuinely believed that he had a case before this Tribunal and that Annexure-A/10 impugned order could be challenged, we are of the view that the applicant could be permitted to file an appeal before the competent authority within a period of one week from the date of receipt of copy of this order. On receipt of such an appeal, the competent authority would consider the same on merits in accordance with the rules and in relaxation of time limit prescribed for appeal.

6. With the aforesaid directions, OA is dismissed as premature. No costs.

(P. MADHAVAN)
MEMBER (J)

(R. RAMANUJAM)
MEMBER (A)

28.1.2019

Asvs.