

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/00973/2019
Chandigarh, this the 17th day of September, 2019

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

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Manoj Kumar, Aged 50 years, S/o Sh. Tara Chand Bali, presently working as Assistant Engineer, O/o Executive Engineer, C.P. Division No. 1, sector 9, Chandigarh, resident of House No. 3242, Sector 23-D, Chandigarh – 160023, Group B

....Applicant

(Present: Mr. R.K. Sharma, Advocate)

Versus

1. Union Territory, Chandigarh through its Administrator, U.T. Chandigarh, Sector 9, Chandigarh – 160009.
2. Advisor to the Administrator, Union Territory, Chandigarh Administration, U.T. Secretariat, Sector 9, Chandigarh.
3. Secretary, Engineering Department, Union Territory, Chandigarh Administration, U.T. Secretariat, Sector 9, Chandigarh.
4. Chief Engineer, Union Territory, Union Territory, Chandigarh Administration, U.T. Secretariat, Sector 9, Chandigarh – 160009.
5. Shri B.K. Srivastava, IAS (Retd.), Inquiry Officer, resident of House No. 121-122, Orbit Apartment, VIP Road, Zirakpur.

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Respondents

(Present: Mr. Arvind Moudgil, Advocate)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. In this O.A., the applicant has challenged Inquiry report dated 07.05.2015 and order of punishment dated 18.04.2017.
2. Heard.
3. Mr. R.K. Sharma, learned counsel, at the commencement of hearing, submitted that the applicant has filed a statutory appeal dated 20.06.2017 (Annexure A-13), which has not been decided till date, despite having given reminders dated 01.03.2018 and 13.04.2018 (Annexures A-14 and A-15 respectively). He prayed that

the applicant would be satisfied if a direction is issued to the respondents to decide his appeal expeditiously. On delay, reliance has been placed upon a judgment of the Hon'ble Supreme Court in the case of **Union of India and Others Vs. Shantiranjan Sarkar**, 2009 (2) SCT 44, wherein it is held that if a person is entitled to be considered, but if was not considered nor his representations were decided, the Govt. cannot plead bar of limitation taking benefit of its own wrong.

4. Issue notice.

5. Mr. Arvind Moudgil, Advocate, appears and accepts notice. He does not object to the disposal of the O.A. in the above terms.

6. Though the matter is cognizable by a DB, however, considering the short prayer, as made by learned counsel for the applicant and the fact that no prejudice is being caused to any party, I deem it appropriate to dispose of the O.A., in limine, with a direction to the Appellate Authority to decide the indicated appeal (Annexure A-13) of the applicant, in accordance with rules and instructions, by passing a reasoned and speaking order, within a period of two months, if not already decided. A copy of the order so passed be communicated to the applicant.

7. Needless to mention, that the disposal of the O.A. shall not be construed as an expression of any opinion on the merit of the case. No costs.

(SANJEEV KAUSHIK)
MEMBER (J)
Dated: 17.09.2019

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