

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 040/00254/2019

Date of Order: This, the 09th day of August 2019

THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER

Sri Kazi Rakib Uz Zaman
Upper Division Clerk
JNV, Dhubri
District – Dhubri, Assam, Pin – 78331.

...Applicant

By Advocates: Sri Gautam Baishya, A. Hassan & S.K. Hazarika

-Versus-

1. The Union of India
Through the Secretary
Government of India
Ministry of Human Resource Development
Department of Education, New Delhi – 110001.
2. The Commissioner
Navodaya Vidyalaya Samity
B-15, Institutional Area, Sector – 62
Noida, District – Gautam Budh Nagar
Uttar Pradesh – 201309.
3. The Joint Commissioner (Admn.)
Navodaya Vidyalaya Samity
B-15, Institutional Area, Sector – 62
Noida, District – Gautam Budh Nagar
Uttar Pradesh – 201309.
4. The Deputy Commissioner
Navodaya Vidyalaya Samity
Regional Office, Temple Road
Barik Point, Lachumiere
Shillong – 793001.

...Respondents

O R D E R (O R A L)**MANJULA DAS, JUDICIAL MEMBER:**

The instant O.A. has been preferred by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:-

“8.1 That the Hon'ble Tribunal be pleased to set aside and quash the impugned Order No. F.14/Comp/NVS(SHR)/Admn./Rakib Uz Zaman/3301 dated 05.09.2017 issued by the Deputy Commissioner, Navodaya Vidyalaya Samiti, Regional Offices, Shillong (respondent No. 4).

8.2 Cost of the application.

8.3 Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.”

2. Heard Sri G. Baishya, learned counsel for the applicant.

3. It was submitted by Sri Baishya that the respondent authority i.e. Disciplinary authority vide impugned punishment order dated 05.09.2017 under No. 14/Comp/NVS(SHR)/Admn/Rakib Uz Zaman/3301 imposed a penalty of withholding of next increment for a period of 2 (two) years with cumulative effect on the applicant with immediate effect.

3. It was submitted by Sri Baishya that being aggrieved with the aforesaid penalty order dated 05.09.2017, the applicant preferred an appeal on 27.11.2017. The said appeal was however, returned in original by an letter dated 20.12.2017 with intimation to the applicant that the appeal preferred by the applicant addressing to the Deputy Commissioner, NVS, RO, Shillong is not in order as because the Joint Commissioner (Admn.), NVS, Hqr. Is the Appellate Authority of UDC. Accordingly, the applicant preferred an appeal before the respondent No. 3 on 10.08.2018. Said appeal is still pending before the respondent No. 3. According to the learned counsel, applicant is expecting that the Appellate Authority may consider his case properly and reduce the punishment. Accordingly, learned counsel prays that the pending appeal may be disposed of or this O.A. may be treated as an appeal and dispose of with due consideration by the Appellate Authority, after giving him an opportunity of being heard to the applicant, within a time frame.

4. In view of the above, by accepting the prayer made by the learned counsel for the applicant, I direct the applicant to produce this O.A. before the Appellate Authority within a period of two weeks from the date of receipt of a copy of this

order. On receipt of such, the Appellate Authority shall consider and treat the same as an appeal and dispose of it along with appeal pending before the respondent No. 3 dated 10.08.2018, within a period of two months' thereafter. .

5. With the above directions, O.A. stands disposed of at the admission stage. There shall be no order as to costs.

(MANJULA DAS)
MEMBER (J)

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