

(A)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.655/2003

New Delhi, this the 25th day of March, 2003.

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J)
Hon'ble Shri Govindan S. Tampi, Member(A)

Raghuvar Dayal
Ex.Technical Assistant
Directorate of Employment
6, Sham Nath Marg, Delhi .. Applicant

(Shri B.S. Mainee, Advocate)

versus

Govt. of NCT of Delhi, through

1. Chief Secretary
Delhi Secretariat, New Delhi
2. Secretary-cum-Director(Employment))
6, Sham Nath Marg, Delhi .. Respondents

ORDER(oral)
Smt. Lakshmi Swaminathan, VC(J)

Heard Shri B.S. Mainee, learned counsel for applicant.

2. The applicant has impugned the penalty order issued by the respondents after holding the disciplinary proceedings against him under Rule 14 of the CCS (CCA) Rule, 19665. The penalty order is dated 26.3.2002 by which the applicant has been dismissed from service which is stated to be a disqualification for future employment under the Government. The applicant has exercised the right given to him by way of filing a statutory appeal to the appellate authority, i.e., Respondent No.1 as far back as 29.4.2002, in about a month from the date of receipt of the penalty imposed by the disciplinary authority. Learned counsel has also submitted that number of reminders have been sent by the applicant, who is a

Y.S.

handicapped person and who had been earlier appointed under that quota in the office of respondents, for taking a decision on the appeal submitted by the applicant. This has not been done. Learned counsel has submitted that the appeal submitted by the applicant under the provisions of CCS (CCA) Rules, 1965 has remained unattended to for nearly eleven months. He has also enclosed copies of postal receipts of having sent the appeal to ^{B/}~~the~~ respondent No.1.

3. In the circumstances of the case, we find that the respondents have not acted in accordance with the relevant rules and particularly the appellate authority, who should have passed an appropriate orders on the appeal submitted by the applicant, well within time in accordance with law. Why this has not been done in such a long time, as submitted by the learned counsel for applicant, is a matter which the respondents ought to take ^{care} ~~care~~ ^{B/}~~and~~ does not occur in future. Needless to say, the appellate authority was bound under law to dispose of the statutory appeal submitted by the applicant by passing an appropriate order in terms of the provisions of CCS (CCA) Rules, 1965. It is also noted that the disciplinary authority has imposed the penalty of dismissal from service on the applicant after holding the departmental enquiry against which law provides ^{B/}~~for~~ a statutory appeal to the applicant under the rules which he has availed off.

4. In the circumstances, we see, therefore, no reason why the appellate authority should not have disposed of the appeal, with intimation to the applicant as required under the provisions of law and rules.

5. In the above facts and circumstances of the case, we consider that it will be appropriate in the interest of justice to dispose of this OA, without issuing notice to the respondents. Noting the above facts, the appellate authority, i.e., respondent No.1 shall dispose of the appeal stated to be pending before him within one month from today. In case the appeal has already been disposed of, a copy of the same shall be arranged to be ^{be} served on the applicant within a week from today.

Let a copy of this order be issued DASTI.

(Govindan S. Tampi)
Member (A)

Lakshmi Swaminathan
(Mrs. Lakshmi Swaminathan)
Vice Chairman (J)