

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

OA-1443/2003

New Delhi this the 2nd day of April, 2004.

Hon'ble Sh. Shanker Raju, Member(J)  
Hon'ble Sh. Sarweshwar Jha, Member(A)

Sh. Raj Kumar Malik,  
R/o H.No.127-D, Street No.5,  
New Lahore Colony,  
Shastri Nagar,  
Delhi-31. .... Applicant

(Present : None even on second call)

Versus

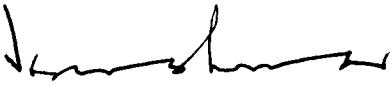
1. Union of India through  
Secretary,  
Ministry of Health,  
Nirman Bhawan,  
New Delhi.
2. The Director General of  
Health Services,  
PH(CDL) Section,  
Nirman Bhawan,  
New Delhi.
3. The Director,  
National Institute of  
Communicable Diseases,  
(Directorate General of  
Health Services,  
22, Sham Nath Marg,  
Delhi-54. .... Respondents

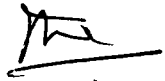
(through Sh. B.S. Jain, Advocate)

ORDER (ORAL)  
Hon'ble Sh. Shanker Raju, Member(J)

Learned counsel for the respondents raised the objection that the O.A. is barred by time. In so far as limitation is concerned, Sh. B.S. Jain, learned counsel for respondents has been heard. An order in appeal has been served on the applicant on 30.4.2002 and this O.A. was filed on 29.4.2003. This O.A. is within limitation as stipulated under Section 21 of the Administrative Tribunals Act, 1985. We over rule the aforesaid objection.

2. From the perusal of the Appellate Authority's order, it is seen that the appellate authority has not considered the proportionality of punishment which is mandatory under Rule 27 of the CCS(CCA) Rules, 1965. As no such finding has been recorded, we partly allow the OA and set aside the order of the Appellate Authority and remand the case back to the Appellate Authority for passing a fresh order within a period of 4 months from the date of receipt of a copy of this order. No costs.

  
(Sarweshwar Jha)  
Member(A)

  
S. Raju  
(Shanker Raju)  
Member(J)

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