

Central Administrative Tribunal, Principal Bench

Original Application No. 1820 of 2003

New Delhi, this the 23rd day of July, 2003

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. S.K. Naik, Member (A)

Dr. R.H. Khan,
S/o late Shri Chhangur Alias Salimullah (Group A)
Scientist E-I
Indian Institute of Petroleum
PO IIP Mohkampur
Dehradun-248005

.... Applicant

(By Advocate: Shri B.S. Mainee)

Versus

Union of India through

1. The Director General,
Council of Scientific and Industrial Research
(CSIR)
Anusandhan Bhawan,
Rafi Marg, New Delhi-1
2. The Director
Indian Institute of Petroleum
PO IIP Mohkampur
Dehradun-248005

.... Respondents

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

On 7.4.2003, O.A. 2531/2002 had been disposed of directing that the order of the appellate authority is quashed. He may pass a fresh order and re-consider the whole matter. Nothing would debar him from passing another order in accordance with law.

2. Some of the relevant facts are that the applicant faced disciplinary proceedings. He is alleged to have clandestinely published a paper in synthetic communication which was a verbatim reproduction of the paper of Dr. Jitendra Khurana and Arti Sehgal published in 1994. The disciplinary authority had imposed a penalty. The order was modified by the appellate authority. In the earlier

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application, on consideration of facts, this Tribunal had found that without any show cause notice, the penalty imposed by the disciplinary authority has been enhanced by the appellate authority. It is in this backdrop that the matter was remitted.

3. The grievance of the applicant presently is that the appellate authority has now served a notice seeking to enhance the penalty and imposing penalty of compulsory retirement which was not even imposed in the earlier application. According to the applicant, this is a malafide action on the part of the appellate authority.

4. At this stage when only a show cause notice has been issued, we are not dwelling into the merits of the matter and discharge the functions of the appellate authority. The applicant may reply to the show cause notice and thereupon, if the appellate authority passes any order, the applicant would be at liberty to assail the same in accordance with law. We have not the least doubt that the appellate authority would be passing the order unmindful of any extraneous factors. With these findings, the O.A. is disposed of.

S.K. Naik
(S.K. Naik)
Member(A),

V.S. Aggarwal
(V.S. Aggarwal)
Chairman,

/dkm/