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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No.3145 OF 2003

New Delhi, this the 31th day of December, 2003

~~HON'BLE SHRI JUSTICE V.S. AGGARWAL, CHAIRMAN~~
~~HON'BLE SHRI R.K. UPADHYAYA, ADMINISTRATIVE MEMBER~~

Vijay Shanker Shukla,
S/o Late Nankoo Ram Shukla,
R/o RZ-34/223, 'J' Block,
Sagarpur West,
New Delhi-110046.

.....Applicant

(By Advocate : Shri R.K. Shukla)

Versus

Union of India, through

1. The Secretary,
Ministry of Agriculture,
Dairying and Animal Husbandry,
Krishi Bhawan,
New Delhi.
2. The General Manager,
Delhi Milk Scheme
West Patel Nagar,
New Delhi.
3. The Dy. General Manager,
Delhi Milk Scheme,
West Patel Nagar,
New Delhi-110008.

.....Respondents

ORDER (ORAL)

SHRI JUSTICE V.S. AGGARWAL:-

The applicant faced departmental proceedings. The same had been started on 6.9.1994 when the chargesheet was served to him. After the departmental proceedings, the disciplinary authority has imposed the penalty of compulsory retirement upon the applicant. Suffice to say, when the revision petition filed on 29.5.2003, the penalty order was modified and the order of the appellate authority was upheld which reads as under:-

"However, taking a lenient view the undersigned (GM) reduces the penalty

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of compulsory retirement to that of reduction of his pay to the minimum scale of pay i.e. Rs.3050/- for a period of four years w.e.f. 23.6.2000. It is further ordered that during this period of reduction the appellant will not earn his normal increment of pay and after the expiry of this period, the reduction will have the effect of postponing his future increments of pay. The period from 23.6.2000 till he joins duty shall be treated as non-duty for all purposes."

5. The accused Government Servant in his Review Petition, has requested that (1) The period of suspension from 16.8.93 to 21.2.2001 may be treated as duty for all purposes. (2) The penalty of reduction of his pay to the minimum of his pay scale i.e. Rs.3050/- may be set-aside"

2. - Learned counsel for the applicant informs us that he has already filed OA 2776/2003 challenging the said orders passed by the disciplinary, appellate as well as revisionary authorities and another OA 2915/2003 has also been filed pertaining to subsistence allowance. The same are pending in this Tribunal.

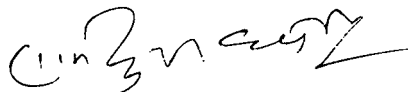
3. It is contended that since the penalty is to be operative from the date after the applicant was entitled to the Assured Career Progression Scheme, he is entitled to the said benefit.

4. At this stage, we pointed out to the learned for the applicant that it would be proper to consider the request for the Assured Career Progression Scheme after a final decision on the earlier Original Application challenging the penalty that has been imposed upon the applicant.

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5. Learned counsel of the applicant has no objection in this regard and, therefore, he seeks to withdraw the Original Application with liberty to the applicant to seek the benefit of Assured Career Progression Scheme after the decision in OA 2776/2003. Allowed as prayed for.

6. ——— Subject to aforesaid, the present Original Application is dismissed as withdrawn.



(R.K. UPADHYAYA)
ADMINISTRATIVE MEMBER



(V.S. AGGARWAL)
CHAIRMAN

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