

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/01195/2019
Chandigarh, this the 20th day of November, 2019

...
CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)

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Amit Chopra, aged 30 years, S/o Late Sh. Anil Chopra, Ex. P.A., O/o Sr. Supdt. of Post Offices, Ambala Division, Ambala, Resident of House No. 54, Adarsh Nagar, Model Town, Ambala City – 134003.

....Applicant

(Present: Mr. R.K. Sharma, Advocate)

Versus

1. Union of India through Secretary to Government of India, Ministry of Communication and Information Technology, Department of Post, Dak Bhawan, New Delhi – 110001
2. Reviewing Authority (Hon'ble President of India), Govt. of India, Ministry of Communication & Information Technology, Department of Post, Dak Bhawan, New Delhi – 110001.
3. Chief Post Master General, Haryana Circle, Ambala- 134003.
4. Superintendent of Post Offices, Ambala Division, Ambala – 134003.

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Respondents

(Present: Mr. Sanjay Goyal, Advocate)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. By means of the present O.A. the applicant has assailed the order dated 23.05.2017 whereby punishment of dismissal from service has been awarded to him.
2. Heard.
3. Learned counsel submitted that the order of punishment has been passed by the incompetent authority as he is incharge of the post of Disciplinary Authority on ad hoc basis. He argues that

punishment in disciplinary cases cannot be inflicted by the adhoc disciplinary authority. Reliance in support of the plea has been placed upon a judgment passed by the Hon'ble Supreme Court in the case of **Union of India and Others Vs. B.V. Gopinath**, 2013 (4) SCT 507 and a decision of this Tribunal in the case of **Anokh Singh Vs. Union of India and Others** (O.A. NO. 060/00072/2012 decided on 23.09.2013). It is further submitted that the petition filed by the applicant for revision of punishment was dismissed vide order dated 09.05.2018. Applicant, then, filed a Review Petition dated 01.10.2018 (Annexure A-10) under Rule 29 A of CCS (CCA) Rules 1965 for review of punishment order, but despite giving reminder dated 26.01.2019 (Annexure A-11) thereafter, the same has not been decided till date. He suffered a statement at the bar that the applicant would be satisfied if a direction is issued to the respondents to consider and decide his review petition expeditiously.

4. Notice.

5. At this stage, Mr. Sanjay Goyal, Sr. CGSC, appears and accepts notice. He does not object to the disposal of the O.A. in the above manner.

6. In the wake of above and in the interest of justice, the O.A. is disposed of, in limine, directing the reviewing authority amongst the respondents to consider and decide the indicated review Petition (Annexure A-10) of the applicant while considering all the grounds taken therein, expeditiously, but not later than two months, in any case. If it has already been decided, a copy of the order passed thereon be communicated to the applicant.

7. Needless to mention that the disposal of the O.A. shall not be construed as an expression of any opinion on the merit of the case.

No costs.

(SANJEEV KAUSHIK)
MEMBER (J)
Dated: 20.11.2019

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