

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**
Original Application No. 040/00257/2019
Date of Decision: 16.09.2019

THE HON'BLE MR. N. NEIHSIAL, ADMINISTRATIVE MEMBER

Shri Kanak Das, son of Babejia Das
Aged about 53 years, resident of
House No. 2, upper Luitpur, Khraguli,
Guwahati – 781004, District – Kamrup
(M), Assam and formerly serving as
the Junior Librarian, Central
Administrative Tribunal, Guwahati
Bench, Bhangagarh, Guwahati –
781005, Assam

.....Applicant

By Advocate: Sri N. Z. Lotha

-AND-

1. The union of India, represented by the Secretary to the Government of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, North Block, New Delhi – 110001.
2. The Principal Registrar, Central Administrative Tribunal, Principal Bench, 61/35 Copernicus Marg, New Delhi – 110001.
3. The Joint Registrar/Deputy Registrar, Central Administrative Tribunal, Guwahati Bench, Rajgarh Road, Bhangagarh, Guwahati – 781005.

4. The Disciplinary Authority, Central Administrative Tribunal, Guwahati Bench, Rajgarh Road, Bhangagarh, Guwahati – 781005.

.....**Respondents**

ORDER (ORAL)

N. NEIHSIAL, ADMINISTRATIVE MEMBER:

Sri N. Z. Lotha, learned counsel for the applicant submitted that a impugned penalty order has been imposed against the applicant vide order dated 10.05.2019, by which the applicant has been ordered to be compulsorily retired under Rule 12 of the Central Civil Services (Classification, Control and Appeal) Rules 1965, with a reduction in pension entitlement to that of only two-thirds the full amount of pension and gratuity otherwise due to him. The learned counsel further submitted that the applicant has filed an appeal before the Appellate Authority on 22.05.2019 which is yet to be decided by the Appellate Authority. On query whether there is a time limit for disposal for the appeal by the Appellate Authority, the learned counsel was not able to demonstrate the relevant orders but suggested that the Appellate Authority may be directed to dispose of the appeal within a certain period .On another query whether that suggestion is the part of the relief sought in the O.A. On

Checking of, such relief has not been sought for in the O.A. The learned counsel also pleaded that the O.A. may be admitted/ heard on merit. To this prayer, I am not in a position to do so, since the applicant has not exhausted all the departmental proceedings as the appeal is still pending.

2. Keeping in view of the above, I do not find any merit to entertain the case at this juncture. Accordingly, same is rejected. However, the applicant is free and entitled to file modified or fresh application, if his grievance remains before or after disposal of the pending appeal.
3. No order as to costs.

**(N. NEIHSIAL)
MEMBER (A)**

BD