

(2020) 07 CAT CK 0038

In the Central Administrative Tribunal

Case No : Original Application No. 941 Of 2020

Gyandeo Prasad

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 28-07-2020

Acts Referred:

Administrative Tribunals Act, 1985 — Section 19

Citation : (2020) 07 CAT CK 0038

Hon'ble Judges : R.N. Singh, Member (J); Aradhana Johri, Member (A)

Bench : Division Bench

Advocate : Yogesh Sharma, K.K. Sharma

Final Decision : Disposed Of

Judgement

R.N. Singh, Member (J)

1. The applicant has filed the present OA under Section 19 of the Administrative Tribunals Act, 1985 to challenge the penalty order dated 1.5.2019 (Annexure A/1), appellate order dated 3.6.2019 (Annexure A/2), the charge Memo dated 19.3.2013 (Annexure A/4) and also Inquiry Officer's report forwarded by letter dated 11.10.2018 (Annexure A/6) in the disciplinary proceedings. Learned counsel for the applicant submits that aggrieved by the aforesaid orders, the applicant has filed statutory revision petition dated 23.8.2019 (Annexure A/3) and the same is still pending consideration of the respondents. Mr. Sharma further submits that the aforesaid disciplinary proceedings vitiated in view of the fact that the delinquent officer was not supplied even the relied upon documents and his detail representation in response to the impugned Inquiry Officer's report has also not been considered.

2. Issue notice. Shri K.K. Sharma, learned counsel appearing on behalf of the respondents on advance service, accepts notice.

3. At this stage, Shri Sharma, learned counsel for the applicant, submits that the applicant shall be satisfied if the present OA is disposed of at this very stage with

direction to the respondents to consider the aforesaid pending revision petition of the applicant in a time bound manner by passing a reasoned and speaking order.

4. We have considered the submissions of learned counsel for the parties.

5. We are of the view that if such request made on behalf of the applicant is accepted, no prejudice is likely to be caused to the respondents. Besides, the learned counsel for the respondents has no objection to such request.

6. In view of the aforesaid, the present OA is disposed of with direction to the respondents to consider the aforesaid pending revision petition dated 23.8.2019 (Annexure A/3) of the applicant and to dispose of the same by passing a reasoned and speaking order as expeditiously as possible and in any case within a period of eight weeks of receipt of a copy of this Order.

7. The present OA is disposed of in the aforesaid Terms. No order as to costs.

8. It is made clear that we have not expressed any opinion on the merit of the claim of the applicant. If at all, any of the grievances of the applicant still survives, all the grounds available to the applicant shall remain open.