

(2021) 10 CAT CK 0041
In the Central Administrative Tribunal
Case No : Original Application No. 2276 Of 2021

Hema Taneja

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 20-10-2021

Acts Referred:

Administrative Tribunals Act, 1985 — Section 20

Citation : (2021) 10 CAT CK 0041

Hon'ble Judges : Manjula Das, J; Mohd. Jamshed, Member (A)

Bench : Division Bench

Advocate : Anuj Aggarwal, Vijendra Singh, R.N. Singh

Final Decision : Disposed Of

Judgement

Manjula Das, J

Through Video Conferencing

1. This OA has been filed by the applicant, seeking the following reliefs:-

"(i) Set aside the impugned order dated 26.08.2021, whereby the penalty of "Reduction to the lower grade carrying Level 7 for a period of 3 (three) years, is imposed on the CO (Ms. Hema Taneja) who is presently at Level 10, with further directions that the reduction shall postpone her future increments till her retirement and on expiry of the period of reduction, she shall not regain her original seniority in the higher scale of pay" has been imposed upon the applicant by the Respondents;

(ii) Allow the Original Application with costs in favour of the applicant;

(iii) Issue any other appropriate order or direction as this Hon'ble Tribunal may deem fit and proper in the interest of justice and in the favour of the applicant."

2. It is contended by learned counsel for the applicant, Mr. Anuj Aggarwal, that vide the impugned order dated 26.08.2021, the penalty of reduction to the lower

grade carrying Level 7 for a period of 3 (three) years, with further direction that the reduction shall postpone her future increments till her retirement and on expiry of the period of reduction, she shall not regain her original seniority in the higher scale of pay, has been imposed upon the applicant by the respondents.

3. Heard Mr. Anuj Aggarwal, learned counsel for the applicant and Mr. Vijendra Singh, learned counsel appearing on behalf of respondent Nos.1&2 and Mr. R.V. Sinha, learned counsel appearing on behalf of respondent No.3.

4. It is seen that the applicant has not exhausted the alternative remedy of appeal against the order of punishment issued by the Disciplinary Authority, as provided under Section 20 of the Administrative Tribunals Act, 1985. Hence, the OA is not maintainable.

5. The OA is accordingly disposed of. However, in the interest of justice, liberty is granted to the applicant to make an appeal to the appellate authority against the order of the disciplinary authority, within a period of ten days from the date of receipt of a copy of this order. On receipt of such an appeal, the appellate authority shall dispose of the same within a period of one month thereafter by passing a reasoned order under intimation to the applicant.

There shall be no order as to costs.