
(2018) 08 CAT CK 0168

In the Central Administrative Tribunal

Case No : Original Application No. 2290 Of 2018

Narender Kumar

APPELLANT

Vs

Member (Admn.) Disciplinary Authority And Ors

RESPONDENT

Date of Decision : 01-08-2018

Acts Referred:

Citation : (2018) 08 CAT CK 0168

Hon'ble Judges : K.N. Shrivastava, Member (A); S.N. Terdal, J

Bench : Division Bench

Advocate : Manoj R. Sinha

Final Decision : Disposed Of

Judgement

K.N. Shrivastava, Member (A)

1. The applicant was working as Chlorinator Operator in Delhi Jal Board (DJB) - respondent organization. By virtue of Annexure A-7 order dated 20.6.2014 of the Disciplinary Authority, namely, Member (Administrative) - Respondent No.1, he was removed from service. The applicant preferred an appeal against Annexure A/7 order before the departmental Appellate Authority, namely, Chief Executive Officer, DJB, who vide its Annexure A/9 order dated 26.11.2014 set aside annexure A/7 order of the Disciplinary Authority and directed for conduct of fresh inquiry against the applicant. Annexure A/9 order also directed to reinstatement of the applicant in service with immediate effect. In pursuance of the Appellate Authority order Annexure A/9, fresh inquiry was conducted against the applicant. The Inquiry Officer submitted his Annexure A/10 report on 24.7.2015 to the Disciplinary Authority concluding therein that both article of charges against the applicant are not proved. The Disciplinary Authority, however, did not agree with the findings of the Inquiry Officer and preferred to issue a disagreement note dated 20.5.2016 (Annexure A-12). After considering the representation of the applicant against the disagreement note, the Disciplinary Authority vide its impugned Annexure A-1 order dated 11.7.2017 imposed the penalty of

compulsory retirement of the applicant. By virtue of Annexure A-2 order dated 13.7.2017, the applicant was relieved from his service pursuant to Annexure A-1 penalty order. The Disciplinary Authority has also issued Annexure A-3 order dated 8.1.2018 whereby intervening period between removal from service and reinstatement from 20.6.2014 to 26.11.2014 has been directed to be treated as not spent on duty and pay and allowances to be paid 'Nil'.

2. The applicant is aggrieved by Annexure A-1, A-2 and A-3 orders and has accordingly challenged them in the instant OA.

3. When a query was put to learned counsel for the applicant as to whether the applicant has challenged the Annexure A-1 penalty order in an appeal, we are informed that the applicant has not preferred any appeal against it.

4. In this view of the matter, we are of the opinion that applicant has not exhausted the available departmental remedy and has rushed to the Tribunal in this OA which is not permissible under the provisions of the Administrative Tribunals Act, 1985.

5. In view of the above, we dispose of this OA at the admission stage itself in the following terms:-

A. The applicant is granted liberty to file an appeal against Annexures A-1, A-2 and A-3 orders within a period of four weeks from today.

B. The Appellate Authority shall dispose of the appeal to be filed by the applicant within a period of three months thereafter.

C. The applicant shall have liberty to take recourse to appropriate remedy as available to him under law in case he remains dissatisfied to the order to be passed by the Appellate Authority.

Order DASTI.