

(2022) 02 CAT CK 0040

In the Central Administrative Tribunal

Case No : Original Application No. 420 Of 2022

Radhey Shyam Sharma

APPELLANT

Vs

Delhi State Industrial & Infrastructure Development Corp. Ltd

RESPONDENT

Date of Decision : 22-02-2022

Acts Referred:

Administrative Tribunals Act, 1985 — Section 19

Citation : (2022) 02 CAT CK 0040

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

Bench : Division Bench

Advocate : Vikrant Yadav, Anuj Chaturvedi

Final Decision : Disposed Of

Judgement

R.N. Singh, Member (J)

(Through Video Conferencing)

1. In the present OA filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant has challenged the Order dated 08.11.2021, vide which, penalty withholding of one increment of pay, with cumulative effect, for a period of one year has been inflicted upon the applicant.

2. At the outset, learned counsel for the applicant, has very fairly submitted that the applicant has not availed the statutory remedy by filing an appropriate appeal before the competent authority. He submits that similarly situated persons have approached the Hon'ble High Court of Delhi and the Hon'ble High Court of Delhi has accorded liberty to those persons to approach this Tribunal in identical matters and thus the present applicant has filed the instant OA.

3. He submits that the applicant may be granted liberty to approach the appellate authority within two weeks' from today and the respondents may be directed to consider such appeal.

4. Issue notice. Shri Anuj Chaturvedi, learned counsel, who appears for the

respondents on advance service, accepts notice.

5. In view of the aforesaid, with the consent of the learned counsels for the parties, and without going into the merits, the present OA is disposed of, at this very stage, with liberty to the applicant to prefer an appropriate appeal before the competent authority within two weeks from today. In case such an appeal is preferred by the applicant within the stipulated time, the appellate authority shall consider the same and pass an appropriate, reasoned and speaking order, as expeditiously as possible, and preferably within eight weeks of the receipt of such appeal.

6. Learned counsel for the respondents submits that if the appeal is received from the applicant, limitations shall be considered keeping in view the limitation extended by the Hon'ble Supreme Court in *Suo Moto Writ Petition (Civil) No. 03 of 2020*.

OA is disposed of in the aforesaid terms. No costs.