

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3188 of 2014

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1. The Union Of India , Through The Secretary, Department Of Telecommunication, Ministry Of Communication And Information Technology, Sanchar Bhawan, 20 Ashoka Road, New Delhi - 1
 2. The Director (HR), Corporate Office, Bharat Sanchar Bhavan, Harish Chandra Mathur Lane, Janpath, New Delhi
 3. The Chief General Manager, Bihar Telecom Circle, Patna
 4. The Addl. GM (Vig.) O/O the CGMT, Patna
 5. The General Manager (MS) (NW-OP-CM), CTO Building, 1st Floor, Patna.

.... Petitioner/s

Versus

1. Rameshwar Singh S/O Late Ram Pujan Singh Village - Siandarpur, Po - Mohinama, P.S. - Maner, Distt - Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. VIVEKANAND PRASAD SINGH

For the Respondent/s : Mr. HEMANT KR. KARN

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 15-01-2016

Heard learned counsel for the Union of India. We are not inclined to entertain this application, and consequently do not issue notice to the contesting respondent, who was the applicant before the Central Administrative Tribunal, Patna Bench, Patna.

2.The applicant, Rameshwar Singh, was issued a notice initiating a departmental proceeding, and the penalty proposed was degradation of two scales of pay for two years with cumulative effect. Once Rameshwar Singh filed his show cause and it was considered, the authority imposed a penalty of only degradation of increment by



one year with cumulative effect. He challenged this order before the Tribunal, primarily on the ground that the other employees and officers similarly situated in the same transaction, were let off without any penalty; he was made a scapegoat. The Tribunal considered the matter, and noticed that the entire chain of officials were equally responsible for the default, but the Tribunal did not set aside the penalty, rather remanded the matter to the appellate authority with a direction to conclude the proceeding within a period of three months.

3. The Union of India has come, challenging the said order on the ground that the Tribunal has made unwarranted observation by remanding the matter. Having perused the order of the Tribunal, our first query was that the Tribunal had passed the order way back on 4-10-2013, directing the appellate authority to conclude the departmental proceeding within three months. We are in the year 2016, and nothing has been shown till date.

4. So, considering the entire facts and circumstances, we are of the view that the Tribunal did not err in remanding the matter to the appellate authority. As the matter was contested before it, it noted the contentions of the applicant before it, and observed that how others could have been let off without any punishment, and the applicant before it was singled out for punishment. Noticing this, it directed the appellate authority to conclude the matter within three

months.

5. In our view, there is nothing wrong that the Tribunal has committed, and the order needs no interference in the facts noted above.

6. This writ application is, accordingly, disposed of.

(Navaniti Prasad Singh, J)

B.K.Roy/-

(Nilu Agrawal, J)

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