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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

RA No. 284/2003
OA No. 1335/2001

New Delhi, the day 16th of August 2004

Hon'ble Shri Shanker Raju, Member (J)

Shri S. K. MathurPetitioner

(By advocate Shri B.S. Mainee)

Versus

Union of India through :

1. **The Secretary (Information & Broadcasting)
Min. of Information & Broadcasting
Shastri Bhawan,
New Delhi.**
2. **The Director General
Doordarshan (Prasar Bharati)
Mandi House,
New Delhi**

....Respondents

(By advocate Shri S. M. Arif)

O R D E R (ORAL)

Heard the counsel.

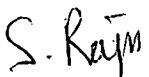
2. It is trite law in view of the latest decision of the Supreme Court in UOI Vs. Tarit Ranjan Dass 2004 SCC(L&S) 160 that the Tribunal is not within its jurisdiction to act as Appellate Court or to go into the merits or to re-agitate the matter in review.
3. It is also settled that howsoever erroneous is the view of the Tribunal in law the remedy is by way of challenge to the higher forum.



4. The contention raised by the learned counsel of the applicant is that the conclusion of Tribunal that disciplinary proceedings were pending at the time of superannuation of the applicant was not in accordance with Rule 9(6) of the CCS (Pension) Rules 1972.

5. However, I find that on challenge to the disciplinary proceedings in OA 2971/2003 by an order dated 10-3-2004 disciplinary proceedings were set aside with grant of all consequential benefits to the applicant.

6. Applicant's gratuity in OA has been left for the respondents to decide on culmination of the disciplinary proceedings. Now as the disciplinary proceedings have been set aside law shall take its own course. In this view of the matter as the RA in the present form is not maintainable, the same is disbursed. The directions issued by the High Court of Delhi in CW 4464/2003 on 7-8-2003 granting liberty to the applicant to place the fact of non-pendency of the disciplinary proceeding on the date of the passing if entertained would amount to reagitation of the entire matter once again which is not permissible in law. No costs.


(Shanker Raju)
Member (J)

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