

(8)

Central Administrative Tribunal  
Principal Bench

OA No.1318/2001

New Delhi, This the 26th day of April, 2001.

Hon'ble Sh. Shanker Raju, Member (J)  
Hon'ble Sh. S.K.Agrawal, Member (A)

Sh. V.P.Bansal, A.E(Retired)  
2102/1, Nai Basti Area  
Narela Mandi  
Delhi-110040.

... Applicant

(By Sh. Vijay Kumar, Advocate)

Versus

1. Union of India  
Through  
The Secretary  
Government of India  
Ministry of Defence  
New Delhi-110011.

2. Engineer in Chief  
Kashmere House  
Army Headquarters  
New Delhi.

.. Respondents

(By Sh. Rajeev Bansal, Advocate)

Hon'ble Sh. Shanker Raju, Member (J)


**ORDER(Oral)**

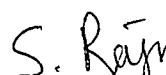
Against the order passed on 13.12.1999 wherein a penalty of cut in pension of Rs.50/- per month for a period of one year has been inflicted by the President. Applicant has filed a revision petition on 30.10.2000. The same is yet to be disposed of. Respondents in the reply stated that a view of the provisions of Section 19(4) of the Administrative Tribunal Act, 1985 they could not dispose of the revision petition.

Learned Counsel of the applicant vehemently stressed that under Rule 9 of CCS Pension Rules 1972 before imposition of penalty of cut in pension by the President, UPSC has not been consulted, which is mandatory rendering the order <sup>is</sup> unsustainable.

- Having regard to the rival contention of the parties and also to the fact that revision petition of the applicant is yet not disposed of, ends of justice would be made if the OA is disposed of with the directions to respondent No.1 to dispose of the revision petition by passing a detailed and speaking order more particularly dealing with the issue of consultation of UPSC. Aforesaid order should be passed within two months from the date of receipt of the copy of this order. However, this will not preclude the applicant to take appropriate proceedings after a final order is passed by the respondents in accordance with law.

No costs.

  
(S.K. Agrawal)  
Member (A)

  
(Shanker Raju)  
Member (J)

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