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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

RA-177/2000 in
OA-1197/1998

New Delhi this the 16th day of August, 2002.

Hon'ble Dr. A. Vedavalli, Member(J)
Hon'ble Sh. V.K. Majotra, Member(A)

Francis Patras,
S/o Sh. Uday Lal Patras,
R/o 1903/3,
Pushpa Vihar,
Sector-III,
New Delhi. Review Applicant

(through Sh. B.B. Raval, Advocate)

Versus

1. Union of India through
the Secretary,
Department of Culture,
Shastri Bhawan,
New Delhi-1.
2. The Director General,
Archaeological Survey of India,
Janpath, New Delhi-1.
3. Sh. Dharam Vir Sharma,
Superintending Archaeologist,
Archaeological Survey of India,
Safdarjung Tomb,
New Delhi-3. Respondents

(through Sh. S.K. Gupta, Advocate)

ORDER (ORAL)
By Sh. V.K. Majotra, Member(A)

This is an application filed under Section 22(3)(f) of the Administrative Tribunals Act, 1985 seeking review of Tribunal's order dated 16.03.2000 in OA-1197/1998. That OA was disposed of with the following observations/directions:-

"2. Applicant by an order issued on
12.7.96 was placed under suspension.

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Subsistence allowance was directed to be paid in terms of F.R. 53. By a later order passed on 5.4.96 suspension has been revoked. Enquiry Officer has been appointed on 17.9.96. By a letter dated 6.1.97 applicant was asked to submit his reply to the charge memorandum. Applicant neither submitted his reply nor attended the hearing on 25.4.97 and onwards and present OA has been filed on 5.6.98. In our judgment, no case be made out to interfere at the present inter-locutory stage. Applicant will have to face the disciplinary proceedings initiated against him. Present OA in the circumstances is rejected. It is open to the applicant to raise such issues including the ones which has been raised in the present OA in the disciplinary proceedings. No costs."

2. Learned counsel for the review applicant stated that in OA-1197/98 applicant has been allowed to amend the OA. While the OA was pending, the Disciplinary Authority passed final orders in the disciplinary proceedings against the applicant on 6.8.98 (Annexure-C) whereby pay of the applicant was reduced by four increments (Stages) from last drawn in the time scale of pay of Rs.2610-60-3150-65-3540 for a period of 4 years with immediate effect. It was further directed that the charged officer will not earn increment of pay during the period of reduction and that on the expiry of this period will not have the effect of postponing his future increments of pay. In the amended OA, the applicant had challenged the order of punishment. Learned counsel for review applicant also stated that the order in question was disposed of by the Tribunal's order dated 16.3.2000 (Annexure RA-1) in OA-1197/98. While advocates on both sides were absent during the strike period of

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the advocates, the Court proceeded to dispose of the OA on merits under Rule-15 of the CAT (Procedure) Rules, 1987. Learned counsel contended that while the disciplinary proceedings had been finally disposed of the OA was decided under the impression as if the disciplinary proceedings had been challenged at inter-locutory stage and as such the Court had ordered that the applicant would face the disciplinary proceedings initiated against him and liberty was given to the applicant to raise such issues including the ones raised in the OA in the disciplinary proceedings.

3. Learned counsel for respondents admitted that whereas the final orders had been passed in the disciplinary proceedings, OA-1197/98 was disposed of under the impression as if the disciplinary proceedings were still pending and they had been challenged at inter-locutory stage.

4. In view of the fact that in the amended OA, the final orders in the disciplinary proceedings had already been ^{impugned} ~~impugned~~, however, under a mistaken impression the OA was disposed of as if the final orders had not been passed and the applicant was given liberty to face the disciplinary proceedings, in our considered view, there is an error apparent on record and as such we recall the Tribunal's order dated 16.3.2000 in OA-1197/98. RA-177/2000 is disposed of accordingly. The OA be taken on its original number and shall be reconsidered on merits.

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5. The OA be listed for reconsideration on merits on 13.09.2002.

V.K. Majotra

(V.K. Majotra)
Member(A)

A. Vedavalli

(Dr. A. Vedavalli)
Member(J)

/vv/

of
Reply filed.
Rejoinder filed.