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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

RA No 32/95 IN
OA No.2004/94

New Delhi this the 2nd Day of March, 1995.

Hon'ble Sh. N.V. Krishnan, Vice-Chairman (A)
Hon'ble Dr. A. Vedavalli, Member (J)

R.K. Jindal,
S/o Late Sh. S.L. Jindal,
R/o 246, Block-76,
Sector-1, DIZ Area,
Gole Market,
New Delhi-110 001.

...Applicant

(By Advocate Sh. I.C. Sudhir)

Versus

1. Union of India through
Secretary, Ministry of
Information and Broadcasting,
Shastri Bhawan,
New Delhi.

2. The Director General,
All India Radio,
Akashwani Bhawan,
New Delhi-110 001.

3. Union Public Service Commission,
through the Deputy Secretary (SI),
Dholpur House,
Shahjahan Road,
New Delhi.

...Respondents

ORDER(Oral)

Mr. N.V. Krishnan:-

We have heard the learned counsel for the applicant. By the order dated 22.11.94 passed by another Bench, of which one of us (Mr. N.V. Krishnan, Vice-Chairman (A)) was a party, the OA of the applicant against the order of compulsory retirement in disciplinary proceedings was dismissed at the admission stage itself, as we did not see any merit admitting the O.A. The charge was that he defied the transfer order and had been absenting himself from 19.5.89. It was also found that the

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order of transfer was not complied with. Hence, we did not see any ground to admit the application, which was dismissed.

2. In our order we observed that the issue of malafide in ordering the transfer has not been raised in the representation at Annexure A-2, though such a plea was made. It is in that context that we observed that if he was aggrieved by the order of transfer and also by the non-consideration of his representation against that order he could have sought appropriate relief. Not having done that, we found that he could not raise this plea in the present OA relating to the penalty awarded in the disciplinary proceedings.

3. We have seen the review application and the grounds raised. We have heard the learned counsel. The grounds only urge that the transfer order was malafide, illegal etc. It is stated that a second representation was given urging malafide.

4. These will not render our earlier order erroneous on the ground of any mistake apparent on record. Our conclusion was based on the fact that not having challenged the order of transfer in a proper forum on the various grounds now urged, the applicant rendered himself open to disciplinary action and the consequences thereof, if he did not comply with that order. It is for that reason we found no merit in the OA which was dismissed.

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5. In the circumstances, we find no merit in this RA also to review that order. It is dismissed.

A. Vedavalli

(Dr. A. Vedavalli)
Member(J)

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N.V. Krishnan
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(N.V. Krishnan)
Vice-Chairman(A)

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