

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

R.A. No. 59/98  
in  
O.A. No. 2821/97

(7)

New Delhi this the 16<sup>th</sup> Day of April 1998

Hon'ble Shri Justice K.M. Agarwal, Chairman  
Hon'ble Shri R.K. Ahooja, Member (A)

Shri Than Singh,  
803/IX, R.K. Puram,  
New Delhi - 110 022.

Petitioner/  
Applicant

(By Advocate: Shri G.K. Aggarwal)

-Versus-

1. Union of India through  
Secretary,  
Ministry of Urban Affairs & Employment,  
Nirman Bhawan,  
New Delhi-110 011.
2. The Director General (Works),  
Central Public Works Department,  
Nirman Bhawan,  
New Delhi - 110 011.
3. The Secretary,  
Union Public Service Commission  
Shahjahan Road,  
New Delhi-110 011.
4. National Commissioner for Scheduled  
Castes and Tribes,  
Lok Nayak Bhawan,  
Khan Market,  
New Delhi - 110 003.
5. Shri V. Sreekumar,  
Asstt. Vigilance Officer,  
CPWD,  
Nirman Bhawan,  
New Delhi - 110 011.

Respondents

ORDER (By Circulation)

Hon'ble Shri R.K. Ahooja, Member (A)

The petitioner seeks a review of the order of this  
Tribunal dated 3.3.1998 in OA No. 2821/97.

2. The petitioner/applicant had prayed for quashing the disciplinary proceedings against him including the order of penalty dated 29.11.1997 whereby his pay was

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ordered to be reduced in two stages in the time scale of pay for a period of 2 years, the reduction not having effect of postponing the future increments of his pay. The case of the applicant was that the enquiry was based on old and stale charges, that there was no loss to the Government and that the respondents had condoned the misconduct by making his promotion from the rank of Junior Engineer to Assistant Engineer. It was also urged that in terms of decision of this Tribunal in OA No. 970/97, the enquiry against him stood abated due to non-compliance of the direction in that OA the impugned order of penalty was issued. The petitioner now states that there has been an error on the face of the record in the Tribunal's order in OA 2821/97 dated 3.3.98 as there is no adjudication of his contention regarding consideration of the alleged misconduct by unconditional promotion of the applicant as Assistant Engineer effective from 1983. He also refers to a mistake in para 2 of the order in which it has been stated that RA No. 214/97 was filed on behalf of respondents whereas in fact it was filed on behalf of the applicant.

3. We have carefully considered the submissions of the petitioner but find no merit therein. The Tribunal had concluded in the impugned order that the applicant's prayer against the quashing of the charge sheet and the enquiry proceedings was barred both by limitation as well as res judicata. Having reached this conclusion, there was no need to go into any further discussion regarding the contention regarding <sup>condonation</sup> ~~consideration~~ of the misconduct of the petitioner by the respondents. In <sup>regard to</sup> so far as the mistake in para 3 of the RA No. 2198/97 that it was filed on behalf of the applicant and not by the respondents, we consider it

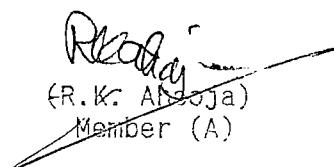
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of no consequence since it is merely a typographical error and has no bearing on the conclusion reached by the Tribunal in the impugned order.

In the light of the above discussion, RA is henceby summarily dismissed.



(K.M. Agarwal)  
Chairman



R.K. Andoja  
(R.K. Andoja)  
Member (A)

\*Mittal\*