

CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

THIS THE 5 DAY OF APRIL 1997

Review Petition No. 71 of 1997

In

Original Application No. 239 of 1997

HON.MR.JUSTICE B.C.SAKSENA, VICE CHAIRMAN

HON.MR.K.MUTHUKUMAR, MEMBER(A)

Shri T.D.S. Tulsiani,
S/o Late Shri S.D. Tulsiani
R/o 465 Sector-17,
Faridabad, Haryana

Applicant

(By Shri Sohan Lal Advocate)

Versus

1. Union of India through Secretary, Ministry of Urban Development, Govt. of India, Nirman Bhawan, New Delhi.
2. Director General of Works Central Public Works Department, Nirman Bhawan New Delhi.

Respondents.

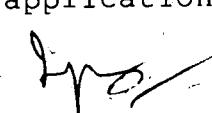
O R D E R

JUSTICE B.C.SAKSENA

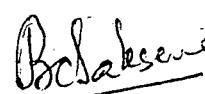
We have gone through the review petition as also the order passed by us in OA 239/97. All the grounds raised in the review petition have been duly considered and answered in our order passed in the OA. The learned counsel for the applicant appears to be labouring under the misconception that the applicant cannot be proceeded against ~~for~~ departmental for his acts of omission or commission during the period he was working on deputation with the Delhi development Authority. For the said acts of omission and commission the Delhi development Authority is competent to proceed against the applicant. It was for this

reason that we had indicated that the Delhi Development Authority's competence was in question and the said Authority had ingenuously not been impleaded. The Delhi Development Authority would not fall within our jurisdiction since it has not been notified u/s 14 of the A.T. Act.

2. The applicant again erroneously assumes that since the impugned charge sheet dated 16.5.95 have been sent through the respondents 1 and 2 for service on the applicant their consent should be presumed is baseless and untenable. In our order we have clearly noted that the Executive Engineer C.P.W.D(Vigilance) unit had already indicated to the applicant that he may send reply of the memo directly to the Delhi Development Authority. No doubt, the applicant is a Central Govt. employee but the order and the relief that he is seeking is against the Delhi Development Authority over which the Tribunal does not exercise jurisdiction. No error apparent on the face of the record is made out except the intransigence of the learned counsel for the applicant to believe that the plea taken by him on behalf of the applicant was correct despite the same, for reasons recorded in our order, has been held to be ~~un~~legally untenable. The review application is dismissed accordingly.


(K. Muthukumar)

Member(A)


(B.C. Saksena)

Vice Chairman

Dated: April 10, 1997

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