

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

HON'BLE MR. R.K. AHOOJA, MEMBER (A)

R.A. NO.200/96
(in O.A. No.2028/95)

(A)

New Delhi, this 7th day of November 1996.

Shri Devi Dayal Sharma
s/o Late Pt. Anand Swarop,
r/o C-449, Main 10 Ft. Road
Chhaju Pur, Shardara
New Delhi - 32

... Applicant

(by Advocate Shri O.P. Kalshian)

VS.

1. The Chief Secretary
Govt. of NCT of Delhi
Old Secretariat
Delhi - 54
2. The Director of Education
NCT of Delhi
Old Secretariat
Delhi - 54.
3. The Deputy Director of Education
Directorate of Education
Distt. North East Delhi
B Block, Yamuna Vihar
Delhi - 53. ... Respondents
by Advocate Shri Girish Kathpalia)

ORDER (By circulation)

The Applicant had filed an OA No.2028/95 seeking directions to Respondents for crossing the EB on 1.1.93 and payment of arrears thereof. The OA was dismissed on 4.9.96 on the ground that the Applicant was awarded a minor penalty of "Censure" on 29.9.92 and subsequently another ~~was issued~~ Memo on 15.7.93 relating to an LTC claim filed for period ~~from~~ from 8.6.82 to 29.6.82.

contd. ... 2

(18)

2. In the present RA, it is submitted that there has been an error apparent on the face of the record inasmuch as the Tribunal overlooked the point that the DPC which met in March 1994 had recommended the crossing of EB w.e.f. 1.1.93 being fully aware of the penalty of Censure awarded on 29.9.92, and that this Tribunal could not sit on the recommendations of the DPC. Clearly in substance the RA differs from the conclusion of the Tribunal. This conclusion was based on the facts of the case as assessed by the Tribunal and it was held that the imposition of a penalty of Censure debarred the applicant for consideration for promotion for a period of six months and since the penalty was imposed on 29.9.92 obviously the applicant was not eligible to cross the EB on 1.1.93. Thus there is no error apparent on the face of the record as alleged in the Review Application. The facts of the case and the reasons which persuaded the Tribunal to cause the impugned order have been clearly stated in the order. I therefore find no merit in the RA which is hereby dismissed.

/avi/

R.K. AHOOJAT
MEMBER (A)