

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI. 3

Regn. No. OA 129/89

Date of decision 10-04-1989

Shri Udai Vir Singh

.....Petitioner

Vs.

Union of India

.....Respondents

For the Applicant

.....Shri L.R. Luthra,
Counsel

For the Respondents

.....Shri P.H. Ramchandani,
Sr. Counsel

CORAM:

THE HON'BLE MR. B.C. MATHUR, VICE CHAIRMAN(A)

THE HON'BLE MR. P.K. KARTHA, VICE CHAIRMAN(J)

1. Whether Reporters of local papers may be allowed to see the Judgment? *Yes*

2. To be referred to the Reporters or not? *No*

JUDGMENT (ORAL)

The applicant, who is working as a Sr. Auditor in the Office of the Controller of Defence Accounts at New Delhi has filed this application under Section 19 of the Administrative Tribunals Act, 1985 praying that the penalty of reduction in pay of the applicant and stoppage of increments as imposed by respondent No.3, as well as the penalty of stoppage of one increment for one year without cumulative effect imposed by respondent No.4 be set aside.

2. The facts of the case are that the disciplinary proceedings were initiated against the applicant under Rule 16 of

CCS (CCA) Rules, 1965 on 21.4.1982. The Disciplinary Authority passed an order on 9.6.1982 imposing the penalty of stoppage of one increment for a period of one year without cumulative effect. Aggrieved by the said order, the applicant submitted an appeal to the Controller of Defence Accounts, General ^O who remitted the case to the Disciplinary Authority with a direction to hold the inquiry in accordance with Rule 14 of the CCS (CCA) Rules, 1965. Thereafter, an order was passed by the Appellate Authority on 22.1.1987 imposing the penalty of reduction of the applicant's pay from Rs.1650 to Rs.1600/- for a period of 2 years.

3. The applicant submitted to the Financial Adviser, Defence Services an appeal dated 16.4.87 against the aforesaid order imposed on him. By letter dated 18.12.87, the respondents informed him that the penalty was imposed by the CGDA as the competent Appellate Authority and that no further appeal lies to the Financial Adviser in this regard. However, the applicant was informed that he could prefer a revision petition to the President under Rule 29 of the CCS (CCA) Rules, 1965.

4. The applicant has filed this application without submitting a revision petition to the President under the rules. We have heard the learned counsel of both parties. In the facts and circumstances of the case, we feel that the applicant should exhaust all the remedies available to him which ^O under the service rules includes the filing of a revision petition as envisaged in Rule 29 of the CCS (CCA) Rules, 1965.

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5. We are, therefore, of the view that the applicant has filed the present application prematurely. We, therefore, direct that the applicant may file a revision petition addressed to the President within a period of one month from the date of receipt of a copy of this order, in accordance with the provisions of Rule 29 of the CCS (CCA) Rules, 1965. The respondents shall consider the revision petition filed by the applicant on the merits and pass a speaking order as expeditiously as possible, but not later than 3 months from the date of receipt of such petition. In case the applicant is aggrieved by the order of President on such a petition, he will be at liberty to file a fresh application in accordance with law, if he is so advised. The present application is disposed of on the above lines at the admission stage itself with no order as to costs.

Omni
(P.K. KARTHA)
VICE CHAIRMAN(J)

Omni
(B.C. MATHUR)
VICE CHAIRMAN(A)