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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO. 116/88

DECIDED ON : 25.05.1993

GIAN CHAND

PETITIONER

vs.

THE CHIEF CONYROLLER OF IMPORTS
& EXPORTS & ORS.

RESPONDENTS

CORAM :

THE HON'BLE MR. JUSTICE V. S. MALIMATH, CHAIRMAN
THE HON'BLE MR. B. N. DHOUNDIYAL, MEMBER (A)

None present for the Petitioner
Shri P. P. Khurana, Counsel for Respondents

JUDGMENT (ORAL)

Hon'ble Mr. Justice V. S. Malimath, Chairman :

None appeared for the petitioner. We have perused the records and heard the learned counsel for the respondents.

2. The petitioner was subjected to a disciplinary inquiry which resulted in passing of the impugned order on 9.10.1986 (Annexure-E) imposing the penalty of stoppage of three annual increments falling due from the date of next increment without cumulative effect. After this application was filed, the appellate authority has disposed of the petitioner's appeal and the copy of the appellate order dated 9.9.1988 has been produced along with the reply. The said order makes it clear ^{by} that the petitioner's appeal had been allowed and the impugned order has been set aside. In para 7 of the appellate order the impugned order has been adverted to as dated 10.9.86 whereas it should have been 9.10.86. In the first para of the said order the impugned order is stated to

be dated 9.10.1986. Shri Khurana, learned counsel for the respondents, therefore, rightly pointed out that there is a typographical mistake in giving the date of the order. We are satisfied that what has been set aside by the appellate order dated 9.9.1988 is the impugned order. Thus, the petitioner has been granted relief which is prayed for in this application.

3. Learned counsel for the respondents fairly invited our attention to the stand taken in the rejoinder that the appellate order does not grant all the reliefs which he had sought for. He has stated that his promotion has been withheld and also he has not been given any compensation for the suffering and harassment caused to him and the expenditure incurred by the petitioner in filing this petition have not been compensated. As far as the question of promotion is concerned, it is not averred by the petitioner that any of his juniors was promoted after the impugned order came to be made. So far as the transfer is concerned, it is a matter of incidence of service and no relief can be granted for compensation in this behalf. The orders have obviously been made in the ordinary course of business and if there is an erroneous order a party has a right to challenge the same and the question of granting compensation in such cases would not arise.

4. For the reasons stated above, this O.A. fails and the same is accordingly dismissed having regard to the subsequent events. No costs.

B. N. Dhandiyal

(B. N. Dhandiyal)
Member (A)

as
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V. S. Malimath

(V. S. Malimath)
Chairman