

In the Central Administrative Tribunal

Principal Bench: New Delhi

R.A.373/92 in O.A.899/86

Date of decision: 28.1.93

Paras Ram

.. Petitioner.

versus

Union of India &  
others

.. Respondents.

Mrs. P. B. Verma

.. Counsel for the  
petitioner

Mrs. Avnish Ahlawat

.. Counsel for the  
respondents.

Coram:

The Hon'ble Sh. Justice Ram Pal Singh, Vice Chairman (J).

The Hon'ble Sh. I. P. Gupta, Member (A).

O R D E R

Both are heard. Learned counsel for the applicant <sup>Sawd</sup> brought out that in para 7 of the judgement dated 21.1.92 the point regarding difference between opinions of the disciplinary authority and the finding of the enquiry officer was brought out and, therefore, in terms of the principles enunciated in the case of Narain Mishra Versus State of Orissa, the applicant should be given an opportunity to show cause as to why the disciplinary

*Paras Ram*

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authority was intending to differ from the findings of the enquiry officer. We find force in this argument of the ld. counsel for the petitioner and we modify the order in para 7 to the extent that a show cause notice should also be given by the disciplinary authority to the applicant as to why the disciplinary authority is intending to differ from the findings of the enquiry officer.

2. It was also urged by the petitioner that the applicant should be treated as if he was continuing in service. Learned counsel for the respondents brought out that the applicant is now much more than 65 years of age and there should be no question of his continuing in service. Any retiral benefits is not the subject matter of this Review Application and therefore, we cannot give direction in this regard. As regards retiral benefits it is for the applicant to file an appropriate petition.

3. With the above modification in para 7 this Review Application is finally disposed of with no order as to costs.

I.P.Gupta  
(I.P.Gupta) 25/1/93  
Member(A)

Ram Pal Singh  
(Ram Pal Singh) 28.1.93  
Vice Chairman(J)