

18

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

REGN. NO. RA 87/87 in
OA 120/86

Date of Decision 16-10-1987.

Shri Dev Raj Sharma ... Applicant.

Vs.

Union of India & others Respondents.

CORAM:- Hon'ble Mr. Justice J.D. Jain, Vice Chairman
Hon'ble Mr. Birbal Nath, Administrative Member.

FOR THE APPLICANT Shri B.S. Mainee,
Advocate

FOR THE RESPONDENTS None.

O R D E R

This review application seeks review of our order dated 23.7.87 in O.A No. 120/86. In view of the findings given by us we referred to para 6 under the heading "promotion of railway servants under suspension on non selection posts," appearing on page 269 of Railway Establishment Rules and Labour Laws by Shri B.S. Mainee, advocate for the present applicant. However, ^{the} contention of the learned counsel for the applicant is that it being case of total exoneration he should be given benefit of all the increments with retrospective effect under para 5 of the Railway Board's circular No. E (D&A)-71/RG-6-23 dated 29.1.1972. We have again compared the two rules and we do not agree with the submissions of the learned counsel for the applicant that since he had been completely exonerated in the particular enquiry which was pending against him at the time of reversion, he is entitled to benefit of para 5 (supra) as he was awarded minor penalty in the subsequent enquiry. Hence we do not find any merit in this application and it is dismissed.

16/10/87
(Birbal Nath)
Member

J.D. Jain
(J.D. Jain)
Vice Chairman