

(44)

Central Administrative Tribunal
Principal Bench, New Delhi

Regn. No. RA-16/89 in
OA-1049/86

Date: 25-4-89

Shri M.K. Sarkar Petitioner

Versus

Union of India Respondents

O R D E R

The present petition has been filed by the original applicant praying for a review of our judgement dated 11.1.1989 in OA-1049/86.

2. In OA-1049/86 filed by the applicant, the question for consideration was whether imposition of the penalty of dismissal on him for disproportionate assets to the tune of Rs.6,736/- during a span of ten years (1966-77) and for not reporting to the competent authority regarding the transaction concerning the lease of a horse from the Tollygunge Club, Calcutta of which he was a member, is legally sustainable. After going through the records and hearing the learned counsel for both the parties, we had concluded in our judgement dated 11.1.89 that the transaction in regard to the leasing of the horse 'Haridas' ought to have been reported to the competent authority by the applicant in accordance with Rule 18(3) of the C.C.S. (Conduct) Rules, 1964, that having regard to the triviality and technical nature of the violation of the said Rule 18(3) by the applicant, the penalty of dismissal from service imposed by the disciplinary authority and upheld by the Reviewing Authority, should be modified to the minor penalty of censure, that he should, therefore, be reinstated from the date of his dismissal and that he would also be entitled to all consequential benefits.

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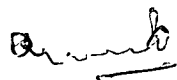
3. In the present petition, the petitioner has prayed that our judgement be reviewed to the limited extent that on the facts available on record, as indicated in paras.3 and 4 of the petition, the lease did not fall within Rule 18(3) of the Central Civil Services (Conduct) Rules, 1964 and hence the same was not reportable to the competent authority. In view of this, even the penalty of censure was not imposable in his case.

4. We have carefully gone through the petition in which the applicant has adverted to the very same records relied upon in OA-1049/86 and the arguments advanced during the hearing of the application. We do not see any error apparent on the face of our judgement. It may be that the applicant is not entirely satisfied with the conclusions reached by us in our judgement. In such a case, the proper course for him would have been to prefer an appeal against our judgement and not to seek a review of the same.

5. We see no merit in the present petition and the same is rejected.



(S.P. Mukerji)
Vice-Chairman(Admn.)



(P.K. Kartha)
Vice-Chairman(Judl.)