

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

RA-173/89 In  
O.A. No. 325/86  
T.A. No.

198

DATE OF DECISION 22.2.1990

Shri Amrik Chand Applicant (s)

None Advocate for the Applicant (s)

Versus

Union of India & Others Respondent (s)

None Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. P.K. Kartha, Vice-Chairman (Judl.)

The Hon'ble Mr. P.C. Jain, Administrative Member.

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. To be circulated to all Benches of the Tribunal ?

JUDGEMENT

(delivered by ~~xxx~~ Hon'ble Shri P.K. Kartha, V.C.)

This petition has been filed by the original applicant in OA-325/86 wherein he had prayed for setting aside and quashing the impugned order of termination dated 21.12.1979 and for directing his reinstatement in service with full back wages, continuity of service and all other attendant benefits. Alternatively, he had prayed that respondent No.2 be directed to dispose of his appeal dated 22.2.1980 within the fixed time. The Tribunal, vide its judgement dated 31.8.1989, quashed the impugned order with a direction that the applicant will be deemed to have continued under suspension, that it will be open to the competent authority to take a final decision on the continuance

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or otherwise of the suspension in the light of the judgement of the Additional Sessions Judge, Mathura delivered on 17.7.1985 in the criminal case under Section 409 I.P.C. against the applicant, and that it would also be open to the competent authority to revoke the order of suspension and reinstate him into service as Cash Clerk. If the competent authority does so, the pay and allowances of the applicant during the period of his suspension shall be regulated in accordance with the provisions of F.R.54-B. It was further held that it will be open to the competent authority to continue the applicant on suspension if it was decided to initiate disciplinary proceedings against him. If such proceedings were initiated, the same should be completed within a period of six months from the date of communication of the order dated 31.8.1989.

2. The petitioner has prayed that the judgement dated 31.8.1989 be reviewed and that he be granted the reliefs which he had originally sought in the main application.

3. In this context, the applicant has argued that the judgement of the Tribunal dated 31.8.1989 is in conflict with the law laid down by the Supreme Court and this constitutes an error apparent on the face of the record. He has referred to the decisions of the Himachal Pradesh High Court reported in 1977 (1) SLR 765 and of the Supreme Court in A.I.R. 1974 S.C. 1281.

4. We have carefully considered the grounds raised in the petition. In our opinion, while quashing the impugned order dated 21.12.1979, the Tribunal has moulded the consequential reliefs in the manner set out in the judgement. The reliefs to which an applicant would be entitled, would depend on the facts and

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circumstances of each case. The rulings cited by the applicant are distinguishable and we see no conflict between the judgement dated 31.8.1989 and the rulings cited by the petitioner. In fact, what the petitioner seeks in the present petition is to reopen the case on merits, which is not permissible in a review petition. We see no merit in the petition and the same is dismissed. There will be no order as to costs.

*P.C. Jain*

(P.C. Jain)  
Administrative Member

*P.K. Kartha*

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