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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI.

O.A.1832/87.

Date of decision: 21.4.1993.

K.B. Sharma.

..Petitioner.

Versus

Union of India & Ors.

..Respondents.

CORAM:

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

For the Petitioner.

Shri D.P. Malhotra,
Counsel.

For the Respondents.


Shri P.P. Khurana,
Counsel with Ms
Veena Kalra, Counsel.

JUDGEMENT (ORAL)

(By Hon'ble Mr. Justice V.S. Malimath, Chairman)

This case is similar to O.A. No. 1719/87 which we decided on 24.3.1993. In this case also, the disciplinary authority held the petitioner guilty of misusing the privilege of LTC. The punishment imposed on the petitioner was withholding of one increment without cumulative effect. The revisional authority after adverting to the orders of the disciplinary authority proposed to modify the penalty by invoking its power of revision. The revisional authority has, therefore, enhanced the penalty to one of stoppage of two increments for a period of four years with cumulative effect. In an earlier case, we, in the interest of justice, thought it proper to set aside the orders of the revisional authority and directed to pass fresh orders. So far as enhancement of penalty by the revisional authority in this case is concerned, we propose to take the same view as has been taken in the case, as aforesaid.

2. For the reasons stated above, this petition is partly allowed and the order of the revisional authority made under Rule 29 enhancing the penalty is hereby quashed and the revisional authority is directed to pass fresh order under Rule 29. The revisional authority shall proceed on the basis that the charge levelled against the petitioner is duly proved. The revisional authority shall only examine the limited question as to whether this is a case for enhancement of penalty and if so to what extent. For that purpose, the Revisional Authority shall give an opportunity of showing cause to the petitioner and then pass an appropriate order in revision expeditiously. No costs.


(B.N. DHOUNDIYAL)
MEMBER(A)


(V.S. MALIMATH)
CHAIRMAN

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