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Central Administrative Tribunal
Principal Bench, New Delhi

Regn. No. CCP-104/88 In
OA-714/87

Date: 29-8-89

Shri Parma Nand Petitioner

Versus

Shri Ram Lal, Personnel Respondents
Officer, through
General Manager, Tele-
communications

For the Petitioner Shri B.K. Aggarwal, Advocate

For the Respondents Shri P.P. Khurana, Advocate

O R D E R

(By Hon'ble Shri P.K. Kartha, Vice-Chairman)

The petitioner in this C.C.P. is the original applicant in OA-714/87 which was disposed of by the Tribunal's judgement dated 30.5.1988. In the said O.A., he had prayed that he should be paid salary and allowances for the period from February, 1984 to October, 1986, when he worked as Assistant Engineer at Lucknow. After hearing the applicant in person and the learned counsel for the respondents and after going through the records of the case carefully, the Tribunal held that the applicant will be entitled to be paid pay and allowances for the period from 1.10.1986 to 10.11.1986, if the same have not already been paid to him.

2. In the present petition, the petitioner has prayed that Shri Ram Lal, the Personnel Officer working in the Office of the respondents at Lucknow, has committed

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offences under Sections 191, 192 and 201 of the I.P.C. and that the contempt of court proceedings should be initiated against him for "winning judgement in favour of the respondents by filing false statement".

3. According to the petitioner, Shri Ram Lal had filed the counter-affidavit after verifying the same as true as per the information derived from the official records. The petitioner has pointed out that in paras. 6-B and 6-G, the deponent had made certain false statements. In para. 6-B of the counter-affidavit, it has been stated that in pursuance of the order dated September 19, 1983 of the General Manager, Telecom, U.P. Circle, Lucknow, the applicant was relieved on September 21, 1983 and was struck off from the strength of the U.P. Circle and was directed to join his new duty at Bombay Telephones, District Bombay. In para. 6-G of the counter-affidavit, it has been stated that from May 27, 1984 to August 13, 1986, the applicant was absconding and he never applied for any sort of leave either at Bombay or at Lucknow nor performed any kind of Government duty anywhere at any place and as such, no question arises for payment of pay and allowances to the applicant for the aforesaid period.

4. Feeling aggrieved by the judgement of the Tribunal dated 30.5.1988, the applicant filed Special Leave Petition (Civil) No. 7601/88 in the Supreme Court. The S.L.P. was dismissed on 13th June, 1988.

5. In the meanwhile, the applicant had filed Review Application No. 80/88 praying that the case may be re-heard. The R.A. was rejected after hearing the applicant and the learned counsel for the respondents, vide order dated

11.10.1988. The Tribunal observed that the applicant was reagitating in the Review Application the same facts which have already been taken into account and finding given in the judgement wherein it has been found that he was posted in Bombay and he did not produce any evidence about his working in Lucknow between 1984-86. It was added that even if, for the sake of arguments, it is taken that the finding was wrong, the applicant cannot challenge this through a review application which can be admitted only when there is an error apparent on the face of the record.

6. In the present petition, the petitioner has produced the following documents in support of his contention:-

- (i) Memo. dated 20.2.1986 issued by the Department of Tele-communications, Office of the General Manager, Telecom, U.P. Circle, Lucknow;
- (ii) Joining report dated 31.5.1984 by the applicant addressed to the General Manager, Telecom, U.P. Circle, Lucknow;
- (iii) Representation dated 28.5.1984 submitted by the applicant to the General Manager, Telecom, U.P. Circle, Lucknow;
- (iv) Joining report dated 28.5.1984 submitted by the applicant to I/c C.T.T.C., Lucknow;
- (v) Letter dated 9.7.1984 of Assistant General Manager, G.M.T., U.P. Circle;
- (vi) Notification dated 21.4.1986 published in the Newspaper at Lucknow;

(vii) Memorandum dated 27.6.1986 by Director, Staff (Telecom), New Delhi; and

(viii) Memorandum dated 8.10.1986 by Assistant Director General, New Delhi.

These documents are already on the record in the case files of OA-714/87 and RA-80/88.

7. In view of the foregoing, we are of the opinion that there is no justification for reappraising the evidence pursuant to the present petition or for initiating any proceedings against Shri Ram Lal, the Personnel Officer, working in the Office of the Respondents, for the alleged offences under Sections 191, 192 and 201 of the I.P.C. The petition is, therefore, dismissed. The parties will bear their own costs.

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(P.C. Jain)
Administrative Member

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