

## CENTRAL ADMINISTRATIVE TRIBUNAL

R.A. 100/90 in O.A. 823/88.

Shri S.S. Mehra Vs. U.O.I. & Others.

The main ground taken in the Review Petition is that the respondents did not bring to the notice of the Tribunal at the time of hearing, the advice of the Union Public Service Commission, which was sent to the Department vide letter dated 29.3.1989 and which has been filed as an Annexure to the Review Petition.

The review applicant contends that the same was communicated to him by the Collector of Central Excise, Kanpur, as late as on 14.6.1989 after the judgment had been pronounced on 1.5.1989. The delayed communication of the advice of the UPSC has also been taken as a ground in the application for condonation of delay in filing the Review Petition.

2. The reference to the UPSC was in the context of the action proposed under Rule 8 of the CCS (Pension) Rules, 1972 for making a cut of 50% in pension of the applicant, and the UPSC advised against the proposed action on the ground that the lapse on the part of the applicant was not a case of misconduct of grave nature. In the opinion of the Commission, the act of omission on the part of the charged officer in not taking the permission of the Department for quoting extracts from a file was only a technical lapse since he had earlier been given permission to inspect the files. The Commission observed in para 5 of the letter dated 29.3.1989 as follows: -

"The charged officer retired in 1978 and after a long lapse of 9 years the Department decided to start disciplinary proceedings against him. The Commission feel that the officer has been harassed unnecessarily and does not deserve any punishment."

The Commission also advised that disciplinary proceedings against the applicant might be dropped.

3. The advice of the Commission as contained in the letter dated 29.3.1989 does not have a bearing on the relief claimed in O.A. 823 of 1988, which was decided by our judgment dated 1.5.1989. The relief prayed for in the said O.A. was regarding treating the period between premature retirement and reinstatement as one on duty. This has nothing to do with the dropping of disciplinary proceedings under the Pension Rules for imposing a cut in the pension.

4. The ground taken in para 7 of the Review Petition has already been dealt with in paras 8 and 9 of our judgment dated 1.5.1989.

5. There are no errors apparent on the face of the record in the judgment dated 1.5.1989 as contended by the review applicant, nor there are cogent and adequate grounds for condoning the delay in filing the Review Petition. The Review Petition is otherwise also devoid of any merit.

*KAUSHAL KUMAR*  
13.9.90  
(KAUSHAL KUMAR)  
Vice Chairman  
13.9.1990.

Hon'ble Chairman.

*CKD*  
13.9.90

The Review Petition is hereby rejected.

*KAUSHAL KUMAR*  
13.9.90 *CKD*  
13.9.90