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DATE OF DECISION 29. 8. 1989

Advocat for the Respondent (s)

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

R.A. No. 103/89 has been filed by Shri K.M. Agrari against the judgment in O.A. No. 246/89 decided on 4th July, 1989, upholding the plea of the respondents imposing the penalty of stoppage of two increments on the applicant. The applicant has filed the R.A. on two grounds, namely (i) that he has come across, after the delivery of the judgment, with second page of order No. 14/2/77-S.I. Vol. II dated 26.3.1980, which was not given to the applicant with the aforesaid order and the second pages shows endorsement marking a copy for action to the Director, Vigilance and (ii) that the ratio of the judgment upholding the applicant guilty of those charges of which he has been exonerated, would create an error apparent on the face of the record.

2.. O.A. No. 246/89 was against the applicant not being allowed to cross the efficiency bar which fell due in September, 1981. It was noted in the judgment that the applicant was punished with the stoppage of increments with cumulative effect on 26.3.1980 and he could not get the increments due in 1981 and 1982. The modification of the order of the appellate authority was in relation to the dismissal and the

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efficiency bar fell due in 1983. Earlier, the High Court had not exonerated the applicant and directed the respondents to reconsider his case and reduced the penalty of dismissal or removal from service which they had considered as excessive. The applicant was reinstated in service in view of the High Court's order and his two increments were stopped which he had not challenged before any court or this Tribunal at the appropriate time. The relief asked for from the Tribunal was in respect of pay and allowances for the intervening period 21.4.74 to 26.3.1980, which was allowed.

3. At this stage, I am not to consider the merits of the case and start the proceedings afresh. It has not been explained how some papers were not given to the applicant earlier and how they have come in his knowledge at this stage, which will make a material difference in the judgment passed by me in the Original Application. I am not to review the orders of the competent authority, who held the applicant guilty but only the orders passed by this Tribunal. Since no apparent error of law has crept in in the judgment in O.A. No. 246/89, the R.A. is rejected.



(B.C. Mathur)

Vice-Chairman.  
29.8.1989.