

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

(8)

O.A. No. 2525/90.

Date of decision

8/1/93

Shri P.B.L. Saxena ... Applicant

v/s

Union of India & Ors. ... Respondents

CORAM:

The Hon'ble Mr. Justice Ram Pal Singh, Vice-Chairman (J)

The Hon'ble Mr. I.P. Gupta, Member (A)

For the Applicant ... Shri S.K. Jain, counsel

For the Respondents ... Mrs. Avinish Ahlawat, Counsel

(1) Whether Reporters of local papers may be allowed to see the Judgement ?

(2) To be referred to the Reporter or not ?

JUDGEMENT

Delivered by Hon'ble Shri I.P. Gupta, Member (A) 7

In this application the applicant has requested for direction to the respondents to allow him to join the post of Inspector in the Food & Supply Department of Delhi Administration with all consequential benefits. The applicant was removed from service by order dated 30.8.1983 which was upheld by the Appellate Authority. The applicant filed an

application before the Central Administrative Tribunal and the Tribunal vide their judgement dated 13.9.1989 set aside the orders of the appellate authority issued vide order No. F.12(27) /78-F&S/Vig/864 dt.3.5.1984 on the grounds that appellate authority's order dated 3-5-1984 is hit by the dictum of the Hon'ble Supreme Court in case" Ram Chander Vs U.O.I. & others"; and remitted the case to the appellate authority with the direction that a fresh order in accordance with law, after granting an opportunity of hearing to the applicant, be passed within three months from the date of receipt of copy of the judgement of the Hon'ble Tribunal. The copy of the judgement of the Hon'ble Tribunal dated 13-9-89 was received in the Delhi Administration on 26-9-1989.

2. The Appellate Authority in pursuance of the direction of the Tribunal gave consideration to the appeal. The applicant was also given a personal hearing. He was assisted by one Shri S.C. Jain during his personal hearing. The Appellate Authority discussed various points raised in the appeal and

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Passed a detailed speaking order. We find no good ground to set aside the Appellate Order dated 29.11.1989/1.12.89 passed by the Appellate Authority.

3. The Ld.counsel for the applicant raised the plea that under rule 27 of the CCS(CCA) Rules the Appellate Authority could not have quashed the order of the disciplinary authority and remanded the case for disposal in accordance with law, on an earlier occasion. This point cannot be raised by the applicant now since after the case was remanded to the disciplinary authority, the Disciplinary Authority had passed the order of removal on 30-6-1983 which was upheld by the Appellate Authority and against which the applicant had approached the Tribunal. The Tribunal's orders are already reproduced above.

4. In any case, we do not see any force in the plea of the Ld.counsel for the applicant that under rule 27 of the CCS(CCA) Rules, the case could not be remitted back to the Appellate Authority while quashing the order of the Disciplinary Authority. Rule 27(2) of the CCS(CCA) Rules is reproduced below:-

" remitting the case to the authority which imposed or enhanced the penalty or to any other authority with such direction as it may deem fit in the circumstances of these cases."

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Therefore, there was nothing wrong in the earlier order of the Appellate Authority which had directed the quashing of the order of the Disciplinary Authority while remanding the case for disposal in accordance with law.

5. The application is thus bereft of any merit and is dismissed with no order as to costs.

Dilip Kumar
(I.P.GUPTA) MEMBER(A)

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Rambhag 8.1.93
(RAM PAL SINGH)
VICE CHAIRMAN(J)