

(15)

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**  
**NEW DELHI**

RA No. 77/93 in

**DATE OF DECISION** 12-10-93

OA No. 2525/90

**Petitioner**

Sh. P. B. I. Saxena

**Advocate for the Petitioner(s)**

Sh. S. C. Jain

**Versus**

U.O.I. & Ors.

**Respondent**

MS Veena Kalra proxy counsel

**Advocate for the Respondent(s)**

for Mrs. Avnish Ahlawat

**CORAM**

The Hon'ble Mr. N. V. Krishnan, V.C. (A)

The Hon'ble Mr. B. S. Hegde, Member (J)

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. Whether it needs to be circulated to other Benches of the Tribunal? ✓

Judgement (ORAL)

(Delivered by Sh. N. V. Krishnan, V.C. (A)

Applicant has filed RA No. 77/93 in respect of judgement of this Tribunal dated 8.1.93 in OA No. 2525/90. The matter has been referred to this Bench for disposal of the RA.

2. We have heard the learned counsel for the applicant. We have seen the judgement in which it is held<sup>u</sup> that under Rule 27 of the CCS(CCA) Rules the appellate authority/quash

(b)

the order of the disciplinary authority and remand the matter to the Disciplinary authority with further direction.

3. The only ground raised in the R.A. is regarding the orders which the appellate authority can pass. The learned counsel for the applicant contends that Rule 27(2)(i) and 27(2)(ii) are different from each other. Under Rule 27(2)(i) the appellate authority can only quash the penalty but not remand the case. It is only under Rule 27(2)(ii) that he can remand the case. These powers are separate and one excludes the other.

4. This is a matter of judgement and not an error apparent on the face of the record. It is not open to the applicant to file a Review Petition on this ground. R.A. is, therefore, dismissed.

  
(B.S. Hegde)

Member (J)

  
(N.V. Krishnan)

Vice Chairman (A)

sk