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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

RA No.15/2005 in OA No.1420/2004

New Delhi, this the 18th day of January, 2005

Hon'ble Shri S.K. Naik, Member(A)

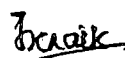
Tilak Ram .. Applicant
(Shri R.K.Shukla, Advocate) ..
versus

Govt. of NCTD & Others .. Respondents

ORDER(in circulation)

The present review application has been filed on behalf of the applicant against the order/judgement dated 20.12.2004, by which OA No.1420/2004 was dismissed being devoid of merit and for the detailed reasoning given therein. Review is sought on the ground that the Tribunal committed an error on the face of record in dismissing the OA on the wrong analogy that the case of the applicant is covered under Rules 9 and 69 of CCS(Pension) Rules, 1972. According to the review applicant, since there was no pecuniary loss to the Government, applicant should not have been placed under suspension. In this connection, he has placed reliance on the judgement of the Tribunal dated 17.3.2004 in OA 158/2003 and of the Supreme Court in the case of D.V.Kapoor Vs. UOI 1990(3)SLR 5.

2. It is relevant to reiterate here in this regard that the reliefs sought by the applicant in the OA were to revoke the suspension order and to release full pension to him. It was held in the aforesaid order that since the applicant stood superannuated on 30.11.2003 there was no question of revocation of suspension order. Secondly, since the period of suspension upto the date of his superannuation has to be decided only on the conclusion of disciplinary proceedings contemplated against him after issue of charge-sheet and conducting of enquiry etc. in accordance with the Rules on the subject, the question of grant of full pension shall have to be determined only thereafter. Therefore, the ratio of the aforesaid decisions would have no application to applicant's case. Even otherwise, there is no error apparent on the face of record as alleged by the applicant. Resultantly, the RA must fail and is accordingly dismissed as not maintainable under order 47, Rule 1 CPC read with Section 22(3)(f) of Administrative Tribunals Act, 1985.


(S.K. Naik)
Member(A)