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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

RA No.68 /2005 in OA No.656/2004

New Delhi, this the 30th day of March, 2005

Hon'ble Shri Justice V.S.Aggarwal, Chairman  
Hon'ble Shri S.K. Naik, Member(A)

Constable Kartar Chand .. Applicant

versus

Union of India & Others .. Respondents  
(Shri Ajesh Luthra, Advocate)

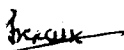
ORDER(in circulation)


Shri S.K. Naik

This RA has been filed on 16.3.2005 on behalf of Union of India against the common order dated 17.11.2004 by which OA 535A/2004 along with OA 656/2004 was disposed of in the following terms:

- "11. With these observations, we quash the impugned orders and direct:*  
*a) If deemed appropriate, the disciplinary authority may direct the inquiry officer to submit a fresh report and thereafter further proceedings may be taken in the matter;*  
*b) Consequential benefits should accrue to the applicants and be given preferably within three months of the receipt of a certified copy of the present order; and*  
*c) Nothing said herein should be taken as any expression on the other facts.*

While the applicants (UOI) contend that they have already complied with the direction at 11(a) above, review is sought on the ground that there is an error on the face of record in so far as direction at 11(b) above is concerned. According to them, grant of ~~grant of~~ consequential benefits including restoration of seniority etc. and treatment of suspension period would arise after a fresh report of the IO is received. We are unable to agree with this contention for the simple reason that the direction to grant him consequential benefits has been ordered as a sequel to our quashing the impugned order that has been passed and until and unless a afresh order is passed subsequent to receipt of fresh enquiry report the penalty that has been imposed by the impugned order does not subsist. It was this relief that has been granted in 11(b) and will be valid until the date when any fresh penalty that may be imposed on the original applicant after receipt of the fresh enquiry report. Thus there is no error apparent on face of record as alleged. In the result, the present RA does not fall within the four corners of Order 47, Rule 1 CPC read with Section 22(3)(f) of the Administrative Tribunals Act, 1985 and is accordingly dismissed.

  
(S.K. Naik)  
Member(A)

  
(V.S.Aggarwal)  
Chairman

/gtv/