

(17)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

RA 71/2005
In
OA 1229/2004

New Delhi, this the 26th day of April, 2005

Hon'ble Mrs. Meera Chhibber, Member (J)
Hon'ble Mr. S.K. Malhotra, Member (A)

1. Smt. Chandralekha,
widow of late Shri Ram Dayal
Mazdoor (Civilian)
Office of the commandant,
1, Corps O.M.C. C/o 56, A.P.O.
2. Smt. Har Pyari
widow of late Shri Soran Singh,
Mazdoor (Civilian)
Office of the Garrison Engineer
Military Engineering Services, (M.E.S.)
Mathura – Cantt.

Resident of :
Village & Post Office: Mohali,
Post Office : Krishna Nagar, Mathura (U.P.)

..Applicants

Versus

1. Union of India
through the Quarter Master General (ST-12)
Quarter Master General's Branch,
Army Headquarters, D.H.Q. Post Office,
New Delhi.
2. The Major General Incharge (ST),
Army Supply Corps, Headquarters Central Command,
Lucknow (U.P.)
3. The Commandant,
338-Coy. (Supply), Type-'A'
Mathura – Cantt.

...Respondents.

O R D E R (In Circulation)

BY S.K. MALHOTRA, MEMBER (A):

This present Review Application filed by the applicant in respect of the order dated 14-1-2005 (not 14-1-2004 which is an inadvertent typographical error) in OA 1229/2004 is with the prayer that the order may be reviewed by the Full Bench of the Tribunal and the relief sought may be allowed.

(Signature)


2. The issue involved in the OA 1229/2004 was whether the penalty imposed by the respondents vide order dated 11-3-2002 was passed by the Competent Authority or not. The Tribunal had come to the conclusion that this order was passed by the Competent Authority and there was no ground for intervention. In the Review Application now filed by the applicant, it has been stated that through an order dated 16-11-2000 passed by the Tribunal by another Bench, it was held that in the case of applicants for common disciplinary proceedings, the Competent Disciplinary Authority was a Major General whereas in the present case a different view has been taken which is conflicting with the view taken in the order dated 16-11-2000 (Annexure RA-2). A reference has also been made to another order dated 16-10-1996 passed by this Tribunal for deciding the appeal in case of the applicant by the Competent Appellate Authority (Annexure RA-3).


3. We have gone through our order dated 14-1-2005 in OA 1229/2004. While deciding the above case, the order dated 16-11-2000, now referred to by the applicant, was duly taken into consideration. By this order, a view was taken that order of punishment can be passed only by the Competent Authority who is not lower than the Appointing Authority. The case was remitted to the respondents for reconsideration. Based on the facts and material on record, in our order dated 14-1-2005, it was held that the Commanding Officer of Major rank and above will be the Competent Authority in the present case who has passed the order of penalty. The learned counsel for the applicant during the course of arguments also admitted that the Appointing Authority in case of applicant was the Officer Commanding of Major rank. It was therefore held that the order dated 11-3-2002 was passed by the Competent Authority and no prejudice was caused to the applicant. The OA was accordingly dismissed. It would thus be observed that the points now being raised in the Review Application have already been taken into consideration. We do not find any

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conflict in the order dated 16-11-2000 and 14-1-2005 passed by the Tribunal, requiring a reference to be made to the Full Bench of the Tribunal. The applicant has not pointed out any apparent mistake on the face of record. There is no justification for a review on any ground.

4. As a result, the RA is without any merit and the same is dismissed in circulation.


(S.K. Malhotra)
Member (A)


(Mrs. Meera Chhibber)
Member (J)

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