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Central Administrative Tribunal, Principal Bench, New Delhi

R.A.No.298/2004 in
O.A.No.138/2004

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

New Delhi, this the 25th day of November, 2004

Sh. S.K. Babbar,
G-14/4, Malviya Nagar,
New Delhi-17

....Applicant

Versus

1. The Union of India through
The Secretary,
Ministry of Home Affairs,
Govt. of India, Central Secretariat,
New Delhi
2. Govt. of NCT of Delhi through
The Chief Secretary,
Govt. of NCT of Delhi,
Delhi Govt. Secretariat,
Player's Building, I.P. Estate,
New Delhi-02

....Respondents

Order(By Circulation)

Justice V.S. Aggarwal, Chairman

Applicant S.K. Babbar had filed O.A.138/2004. It was disposed of on 23.9.2004. The impugned order had imposed a penalty of 10% cut in his pension. The same had been quashed holding that there is no finding recorded by the disciplinary authority that applicant was guilty of grave misconduct or negligence. Keeping in view the same, on the short ground, the said order was passed and other arguments raised at the Bar were not considered, as has been noticed in paragraph 8 of the order.

AS Agg

2. Applicant seeks review of the order contending that he had raised certain arguments which have been reproduced in paragraph 3 of the R.A. He contends that it is the duty of this Tribunal to adjudicate the issues brought before it and determine the rights of the contestants.

3. We do not dispute the same but once on a preliminary fact an order is to be quashed, it would be unnecessary for this Tribunal to express on the merits. This is for the reason that the concerned authority whose order has been quashed on a technical aspect, necessarily has to apply its mind afresh. Therefore any opinion on the merits has to be deferred and it will be improper for this Tribunal to say so at this stage.

4. Resultantly, there is no ground to review. Petition must fail and is dismissed in circulation.

Ag

Naik
(S.K. Naik)
Member(A)

(V.S. Aggarwal)
Chairman

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