

Central Administrative Tribunal, Principal Bench

Original Application No. 2818 of 1992

New Delhi, this the 3rd day of April, 2000

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Hon'ble Mr. S. R. Adige, Vice Chairman(A)
Hon'ble Mr. Kuldip Singh, Member (J)

Shri Pritam Singh
1/o B-46, New Govind Pura
Delhi-51

- **Applicant**

(By Advocate - Shri Jagjit Singh, through proxy
counsel Shri C.B. Pillai)

Versus

Union of India: Through

1. The Secretary,
Ministry of Finance, Deptt. of Revenue
North Block, New Delhi

2. Chief Commissioner of Income Tax-I Delhi
C.R. Building, New Delhi - **Respondents**

(By Advocate - Shri V.P. Uppal, through proxy counsel
Shri Rejinder Pandita)

O R D E R (ORAL)

By Hon'ble Mr. S. R. Adige, Vice Chairman(A)

1. Applicant impugns respondents show cause notice dated 30.12.86 (Annexure P-9 to amended OA) and ⁰⁷ dated 11.11.1992 (Annexure P-12 to amended OA) with all consequential benefits including back wages.

2. A disciplinary proceeding was initiated against applicant for a major penalty under Rule 14 CCS (CCA) Rules, 1965, by issue of chargesheet dated 28.1.82 (Annexure P-1) which listed four charges. The Enquiry Officer held that only charges 2 and 3 were proved. He also referred to certain extenuating circumstances viz., the application for extension of leave was not considered and the applicant was ill while abroad.

3. Thereupon, the disciplinary authority issued

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order dated 19.9.85 (Annexure P-6) by which the applicant was censured.

4. On appeal, the appellate authority further diluted the penalty on 30.9.85 by holding that it would meet the ends of justice if a simple warning was issued to the applicant to be careful in future.

5. It is thereafter that impugned notice dated 30.12.86 (Annexure P-9) was issued by respondent no. 1 indicating that this disciplinary case was being considered for revision by the President of India under Rule 29 CCS (CCA) Rules, with a view to imposing the major penalty of removal from service on the ground that the charges proved against the applicant were very grave and serious.

6. Applicant submitted his reply on 20.2.87 but upon not hearing anything further in the matter, he filed the present O.A. on 30.9.92 impugning the aforesaid notice dated 30.12.86, and subsequently filed an ⁷ amended OA impugning respondents C.O & 11.11.92 also ⁷

7. By interim orders dated 17.11.92, respondents were directed not to pass final orders in the proceedings before the revisional authority by Memo dated 30.12.1986.

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8. After pleadings were completed, the matter was heard by a Division Bench, who by its order dated 25.3.94, recommended that the matter be referred to a Larger Bench for consideration of the following two questions:

- (i) Whether the expression "from which an appeal is allowed but from which no appeal has been preferred, or from which no appeal is allowed" occurring in the substantive portion of sub-rule (1) of Rule 29 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, has to be construed only in terms of Rule 22 and Rule 23 thereof.
- (ii) In the light of the answer to (i) above, whether the power of revision can be exercised against all orders passed in appeal without any exception, or whether certain types of orders passed in appeal, which do not find a mention either in Rule 22 or Rule 23, are to be treated as final and absolute and beyond the purview of revision."

9. A Full Bench of the Tribunal heard the matter and by their order dated 7.2.2000, answered the first point of reference in the negative and the second point of reference in the affirmative.

10. Meanwhile after taking the advice of UPSC, respondents issued impugned minor penalty order dated 11.11.1992, of stopping the next increment of applicant falling due on 1.1.1993 before he superannuated.

11. In the light of above, it is clear that the revisional authority was competent to issue the impugned show cause notice dated 30.12.1986, and to revise the appellate authority's order. It is also clear the the revisional authority's order dated 11.11.1992 revising the penalty to stoppage of

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applicant's next increment falling due on 1.1.1993 is neither illegal, nor arbitrary so as to warrant judicial interference.

The O.A. is, therefore, dismissed. No costs.

Kuldeep Singh
(Kuldeep Singh)
Member (J)

S. R. Adige
(S. R. Adige)
Vice Chairman (A)

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