

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

RA No. 340/94
in
OA No. 1130/92

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New Delhi on this 24th day of November, 1994.

Shri N.V. Krishnan, Vice Chairman(A).

Shri C.J. Roy, Member(J).

R.C. Srivastava,
C-398, Gangotri,
Aloknanda,
New Delhi.

..Applicant.

Applicant in person.

Versus

Union of India & Anr.

..Respondents.

ORDER (By Circulation)

Shri N.V. Krishnan.

The applicant has filed this Review Application seeking a review of the order dated 25.8.1994 by which the O.A. was dismissed. We have perused the Review Application and are satisfied that it can be disposed of by circulation and we do so.

2. The O.A. was dismissed on the ground that the applicant was not entitled to get the benefit of the recommendations placed in a sealed cover on the conclusion of the disciplinary proceedings against him because, in one of the disciplinary proceedings the penalty of censure was imposed and, in the other, the penalty of stoppage of passes and PTOs was imposed. It was held that if any penalty/imposed whatever be its nature, the benefit of the recommendations in a sealed cover cannot be given and that the recommendations of the next DPC should be awaited.

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3. The only ground raised by the applicant for review is that the respondents did not produce the records of the case for final disposal though there was a direction to that effect in MP 2242/93 on 19.1.1994. The applicant states that the penalty imposed on him has been set aside by the memo dated 10.5.1994 a copy of which has been filed as Annexure RA-I. In this regard, he states that the said order was communicated to the applicant by registered post on 16.9.94 though the appellate order is itself dated 10.5.1994.

4. We have carefully considered the matter. The O.A. was left part heard on 26.7.94 when the applicant had appeared in person. He did not appear on 25.8.1994 when after hearing the respondents' counsel the case was dismissed on merits. If the orders of the disciplinary authority in the two disciplinary proceedings were modified subsequently in a different manner giving relief to the applicant, that would be a good ground to urge in an application for review of the earlier order. However, we find that this condition has not been satisfied in the Review Application.

5. In the first place, the Review Applicant has not filed any proof to show that RA-I order has been received by him only on 16.9.1994 by registered post. Neither the envelope nor the covering memo has been enclosed. We notice from para 3 of our order that the minor penalty of censure in one case was imposed on 8.12.1991 and the minor penalty of stoppage of passes and PTOS was imposed in another case on 22.1.1992. In other

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words, the original orders of penalty are 8.12.1991 and 22.1.1992. The Annexure RA-I order in appeal deals with only one appeal. It states that the President has decided to set aside the penalty dated 29.11.1991. There is no reference to such order of penalty in the order sought to be reviewed. In the circumstance, we find that Annexure RA-I appears to be irrelevant.

6. For these reasons, we find no merit in the Review Application. It is dismissed.

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(C.J. Roy)

Member (J)

Chu
24.11.94

(N.V. Krishnan)

Vice Chairman (A)

'SRD'