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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

O.A.No.2664/93

New Delhi this the 22nd Day of December, 1993.

Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman(J)
Hon'ble Mr. B.N. Dhoundiya, Member(A)

Sh. G.D. Kainth,
S/o Sh. Kirpa Ram,
C/o Sh. Sant Lal, Advocate,
C-21(B) New Multan Nagar,
New Delhi-110056.

Petitioner

(By advocate Sh. Sant Lal)

versus

1. The Union of India,
through the Secretary,
Ministry of Communications,
Department of Posts,
Dak Bhawan, New Delhi-1.
2. The Chief Postmaster General,
Delhi Circle,
Meghdoot Bhawan,
New Delhi-1.
3. The Director Postal Services(Postal)
O/O the C.P.M.G. Delhi Circle,
Meghdoot Bhawan,
New Delhi-110001.

ORDER(ORAL)

(delivered by Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman)

The disciplinary proceedings were initiated against the petitioner. An enquiry officer was appointed. He submitted his report. The disciplinary authority passed an order of punishment. The appellate order maintained the order of disciplinary authority. The petitioner has preferred a revision application before the Member, Personnel on 16.4.93. The revision application is still pending consideration.

The enquiry officer exonerated the petitioner. It is urged that the disciplinary authority without giving any notice or opportunity disagreed with the recommendation

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of the enquiry officer and an order of punishment was passed against the petitioner. the memorandum of appeal of the petitioner is before us. The learned counsel has not been able to place his finger on the averment made in that memorandum stating therein that the disciplinary authority disagreed with the recommendation of the enquiry officer without giving opportunity to the petitioner. No doubt this averment has been made in the O.A.

Keeping in view the fact that a revision application is pending and the point sought to be raised before us is a question of fact and also keeping in view that the petitioner has not raised this point before the appellate authority, we think that this matter should be examined by the Revisional Authority alongwith other matters. The Revisional Authority shall examine this question in the light of the decision of the Hon'ble Supreme Court in the case of Narayan Mishra (1969 SLR P.657). The revision application shall be disposed of by the Member, Personnel within a period of two months from the production of a certified copy of this order by the petitioner before him. It goes without saying that if the revision application fails it will be open to the petitioner to seek appropriate remedy before an appropriate forum.

With these observations, this application is dismissed summarily.

B.N. Dhundiya
(B.N. Dhundiya) 27/2/73

Member(A)

S.K.D
(S.K. Dhaon)

Vice-Chairman

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