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CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH
ALLAHABAD

Dated : Allahabad this the ...^{12th} day of Sept 1996.

CORAM : Hon. Mr. S. Das Gupta, Member-A
Hon. Mr. T.L. Verma, Member-J

REVIEW APPLICATION NO. 111 of 1995.
on behalf of

1. Senior Supdt. of Post Offices, Agra-1.
 2. Director, Postal Services, C/o. Post Master General, Agra.
 3. Chairman, Postal Services, Board, Postal Directorate, New Delhi-1.
 4. Union of India through Secretary, Ministry of Communication, New Delhi.
-Respondents/
Applicants.

Versus

Krishna Murari Gupta, s/o. late Sri Chhittar Mal, Postal Assistant, Agra Fort, H.C. Agra-3.

...Applicant/respondents.

in

ORIGINAL APPLICATION NO. 731 of 1993.

Krishna Murari Gupta, S/o. late Sri Chhittar Mal, Postal Assistant, Agra Fort, H.Q. Agra-3.

...Applicant. ...

Versus

1. Senior Supdt. of Post Offices, Agra -1.
2. Director, Postal Services, C/o. Post Master General, Agra.
3. Chairman, Postal Services Board, Postal Directorate, New Delhi-1.
4. Union of India through the Secretary, Ministry of Communication, New Delhi.

....Respondents.

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O R D E R

(By Hon. Mr. T.L.Verma, J.M)

This application has been filed for review of order dated 4.8.1995 passed in O.A.No.731 of 1993.

2. The aforesaid O.A. was filed for issuing a direction to the respondents to ^{trial}~~trate~~ the period of suspension of the applicant from 30.9.72 to 11.8.1988 as on duty for all purposes, including grant of pay etc. and to open the sealed cover containing the recommendation of the D.P.C. regarding promotion of the applicant to lower Selection Grade in accordance with one time ~~time~~ time-bound promotion scale and to implement the same retrospectively from 30.11.1983 with arrears of pay and allowances and for issuing a further direction to promote the applicant to Higher Selection Grade, with effect from 1.10.1991 with all consequential benefits, including arrears of pay etc.

3. The aforesaid O.A. was disposed of with the following directions:-

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"We are, however, unable to pass such an order because the applicant has not claimed any relief to that effect. Be that as it may, we consider it appropriate to dispose of this application with the following directions :-

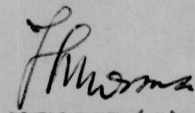
(1) The respondents are directed to dispose of the disciplinary inquiry within three months from the date of communication of this order, failing which the same shall stand quashed and the applicant shall be entitled to all service benefits as if no proceeding was pending against him.

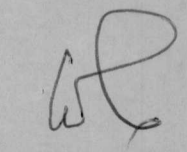
(2) In case the disciplinary proceeding is brought to a conclusion, as per direction given above, and the applicant is absolved of the charges framed against him, he shall be entitled to full pay and allowances for the period of his suspension minus the subsistence allowance already paid.

(3) The recommendation of the D. P. C. (Sealed cover) should be opened and acted upon. The applicant shall be given promotion if so recommended by the D.P.C. with effect from the date his next junior has been promoted with all consequential benefits, including arrears of pay. He shall also be considered for promotion to next higher grade by the D.P.C. on the basis of the record available, if he is so entitled before the date of his superannuation i.e. on 1.1.1995. He shall be given the said promotion with retrospective effect. In case passing of some an examination be essential for wrong promotion then in that case the applicant shall be entitled to notional fixation of pay in the next higher grade, so as to entitle him to terminal benefit on the basis thereof."

4. We have perused the review application and the order dated 4.8.1995 sought to be reviewed. The petitioner in the review application has failed to make out any case for review of the order in as much as the petition neither indicates that a new and important matter or evidence, which after exercise of due diligence was not within the knowledge or could not be produced at the time when the case was argued, has been discovered nor that mistake or error apparent on the face of the record has been found justifying interference with the order in exercise of review jurisdiction.

5. In view of the above, we find no merit in this review application and the same is dismissed.


MEMBER (J)


MEMBER (A)

(Pandey)