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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ADDL. BENCH,
ALIAHABA D.

Dated This the 1st, January, 1997.

JURAM: Hon'ble Mr. S. Das Gupta, A.M.
Hon'ble Mr. J.S. Dhaliwal, J.M.

REVIEW APPLICATION NO: 128 OF 1995.

O.A. 1485/93.

1. Union of India through Secretary, Communication, Department of Posts, New Delhi.
2. Union Public Service Commission, New Delhi. through its secretary.
3. Superintendent of post offices, Etah Divn, Etah.
4. Asstt Superintendent of Post offices, Etah (West), Sub Division Etah (Enquiry Officer).
5. Director, Postal Services, Agra Region, Agra.
6. Assistant Director General, Govt of India, Department of Post Dak Bhawan, New Delhi.

(C/A. Km. Sadhana Srivastava). ...Applicants
Vs.

Moti Lal Shakya son of Sri Kamla Prasad Shakya, resident of Kudesa, Post Junedpur, via Aliganj, District: Etah.

... Respondent.

CR/....

IN

O.A. No: 1485 Of 1983.

Moti Lal Shakya son of Kamla Pd. Shakya, Resident of Kudesa, P.O. Junedpur, via Aliganj, District: Etah.

... Applicant.

Vs.

Union of India, through its Secy, Communication Deptt. Of posts, N. Delhi and others. ... respondents.

2.

Order

(By Hon'ble Mr. S.Das Gupta, A.M).

This application has been filed seeking review of order dated 8.3.1995 by which the O.A. No: 1485/93 was disposed of.

2. In the aforesaid O.A, the applicant had challenged the order passed in the name of President Pension in the entirety was withheld on a permanent basis. Challenge to the aforesaid order was on various grounds. All these grounds were considered and were not found tenable. However, in consideration of the fact that the applicant who served the department for many years and only towards the fake end career he had fallen a prey of the temptations and committed a misconduct of mis-appropriation of money, we had made observation that the Appellate Authority may re-consider whether in the facts and circumstances, a lesser penalty may be imposed on the applicant. We directed that the appellate authority shall pass final orders in this regard within a period of 4 months.

3. In the review application it has been submitted that the impugned order was passed in the name of the President. There is no provision in the CCA(Pension) Rules, 1972 for appeal against the order passed under rule 9, thereafter in the name of the President.

4. In view of the submission made in Review application we have carefully perused the relevant provisions of CCA(Pension) Rules, 1972.

4. We have seen therefrom that there is no specific provision of appeal against the ~~an~~ order passed in the name of the President under Rule 9 of the aforesaid rules.

3.

5. We, therefore, modify our directions given in paragraph 16 of the aforesaid order as follows:-

In the facts and circumstances of the case, the applicant may file representation to the President of India for re-consideration of the penalty imposed on him and if such representation is filed, it may be disposed of in accordance with law.

6. Review application is disposed of accordingly.

J. M. Thomas
JM.

W. R.
AM.

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