

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

NEW W.D. EX. LXXI

O.A. No. 513 OF 1990

DATE OF DECISION 11-07-1991

Mr. P.C.Goklani Petitioner

Mr. I.M.Pandya Advocate for the Petitioner(s)

Versus

Union of India and others Respondent

Mr. P.M.Raval, Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M.M.Singh : Administrative Member

The Hon'ble Mr. S.Santhana Krishnan : Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

Dr.P.C.Goklani,
Medical Officer,
P & T Dispensary,
Maninagar.

...Applicant.

Qr. No.1, Pos. 1 Officers quarters,
Shahibaug,
Ahmedabad.

(Advocate : Mr.L.M.Pandya)

Versus

1. Union of India,

Secretary,
Ministry of Personnel,
Personal Grievances, & Pensions,
North Block,
Central Secretariat,
New Delhi.

2. Secretary,
Ministry of Communications,
Department of Posts,
Dak Bhawan,
New Delhi.

3. Chief Post Master General,
Gujarat Circle,
Ahmedabad.

... Respondents.

(Advocate Mr.P.M.Raval)

O R A L O R D E R

O.A. No. 513 OF 1990

Date : 11/7/91

Per : Hon'ble Mr.M.M.Singh : Administrative Member

The applicant and counsel not present.

None present for the respondents. By order dated 13.12.1991, last opportunity was given to the applicant to remain present. On 28.2.1991, an application for amendment was filed by the learned counsel for the ^{Wtus M} applicant. One weeks time ~~is~~ given to incorporate the amendment. The amendment has been carried out.

2. This original application has been filed by the applicant to challenge the decision of the ^M respondents to disallow him ~~for~~ LTC till finalisation

of case for misuse of LTC pending against the applicant. ^M
 When the papers annexed by the applicant figures Office Memorandum No.31011/16/86-Estt (A) dated 8th Oct. 1987, Annexure-A/2, on the subject of denial of LTC to Government servants found guilty of misuse of the facility. Para 1 of this memorandum is reproduced below :

The undersigned is directed to say that it has come to the notice of the Government, in a number of cases, Government servants misuse the Leave Travel Concession facility. It has, therefore, been decided that whenever a case of fraudulent claim of LTC comes to notice and the competent disciplinary authority arrives at a conclusion that there is a prima-facie case for initiating disciplinary proceedings against the Government servant for this misconduct, the claim for the LTC should be withheld and he should not be allowed this facility till finalisation of the proceedings.

3. ^{lapsed} In para-2, there is provisions relating to lapsing of LTC, in case the applicant is cleared of the charges of misuse of LTC facility. As such the impugned order is only an interim order with regard to the finalisation ^{pending} ~~the inquiry and to be the~~ of a decision has been taken by concerned authority, after the disciplinary proceedings on the charges of misuse of the LTC facilities has been finalised. The applicant ^{in his application} himself stated that a charge-sheet under CCS (CCA) Rules 1965, is pending against him for misuse of LTC facility, in 1982, for the block year 1978.

4. As the impugned order is ^{an} interim decision in terms of the mis use of LTC and after the finalisation of the disciplinary enquiry, we see no merit ^{final decision will be taken} ~~in this application~~ for further consideration, at this juncture. The application is rejected.


 S. Santhana Krishnan)
 Judicial Member


 (M.M.Singh)
 Administrative Member

NO
Pending
V.T.C.

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CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

R.A. No. 25/91

in

O.A. No. 513/90

~~Ex-AxxDxx~~

DATE OF DECISION 26-9-1991.

Dr. P.C. Goklani,

Petitioner

Mr. I.M. Pandya,

Advocate for the Petitioner(s)

Versus

Union of India & Ors.

Respondent(s)

Mr. P.M. Raval,

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M.M. Singh, Administrative Member.

The Hon'ble Mr. S. Santhana Krishnan, Judicial Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*

2. To be referred to the Reporter or not? *No*

3. Whether their Lordships wish to see the fair copy of the Judgement? *No*

4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

Dr. P.C.Goklani

.. Applicant

Versus

Union of India & Ors.

.. Respondents.

R.A. No. 25/91

IN

O.A. No.513/90

Date : 26-9-91.

Decision by circulation

Per : Hon'ble Mr.M.M. Singh, Administrative Member

The applicant of O.A.513/90 is the applicant of this Review Application dated 5.8.1991. He seeks review of our order dated 11.7.1991 in the O.A.513/90.

2. Below the review application, affidavit of the applicant is recorded as follows :-

"I, Dr.P.C. Goklani, aged 46 years, working as Medical Officer, C.G.H.S. Dispensary Navrangpura, Ahmedabad, resident of Ahmedabad, do hereby verify that the contents of this application are true to my personal knowledge and belief and that I have not suppressed any material truth.

Solemnly affirmed on this 5th day of August 1991 at Ahmedabad. "

The above affidavit does not meet with the requirements of affidavits required to be filed by the applicants of review applications as laid down in Notification No. A-11019/44/87 dated 26.2.1991 of Govt. of India, Department of Personnel & Training. Relevant portion of which is reproduced below:

"(2) No petition for review shall be entertained unless

M. M. L

it is supported by a duly sworn affidavit indicating therein the source of knowledge-personal or otherwise and also those which are sworn on the basis of the legal advice. The counter affidavit in Review Petition will also be duly sworn affidavit wherever any averment of fact is disputed."

The application is not in order in above respect.

3. Irrespective of the above, we notice that the main ground for filing the review application is contained in para 15 which says :-

"15. The impugned judgement and order passed on 11.7.1991 in O.A. No.513 of 1990 does not decide the constitutionality and validity of the letter at Annexure A-2 and thus the Hon'ble Tribunal has failed to exercise its extraordinary jurisdiction conferred under Article 226 of the Constitution and, therefore, the case is required to reopened and reconsidered."

4. The prayers in the review application are that :-

"(A) That the Hon'ble Tribunal be pleased to review the judgement and order passed on 11.7.1991 in O.A. No.513 of 1990 in the light of constitutionality and legality of the impugned letter at Annexure A-2.

(B) That the Hon'ble Tribunal be pleased to restore O.A. No.513 of 1990 and place the same on board for hearing.

(C) Pending admission and till final disposal of this review application, the Hon'ble Tribunal be pleased to stay the execution and operation of the judgement and order dated 11.7.1991 passed in O.A. No.513 of 1991."

5. Perusing our order of which review if sought we notice that the applicant and his counsel had not remained present at the time of hearing. We proceeded to give judgement on merits on perusal of the record of the case. The contentions of the review application are of the nature of arguments

which the applicant and his counsel would be required to submit by appearing at the final hearing. As the applicant and his counsel did not appear they cannot, by review application, try to place for our consideration such arguments not made at the time of the hearing. Such is not the scope of review.

6. The review application is rejected.



(S. SANKARA KRISHNAN)
Judicial Member



(M. M. SINGH)
Admn. Member

Date	Office Report	Orders
21.3.1991		<p>Present: Mr. I.M.Pandya, learned counsel for the applicant.</p> <p>None for the respondents.</p> <p>....</p> <p><u>O R D E R</u></p> <p>M.A./50/91 allowed to the limited extent of incorporating para 7 (v) to the original application. The applicant does not press the other amendments in the M.A.</p> <p>Misc. Application finally disposed of.</p> <p><i>be amended</i> The applicant to incorporate in the original application and serve amended copy on the respondents by 31.3.1991. Thereafter respondents will have time upto 30.4.1991 to submit their reply with a copy to the applicant. The applicant will have time upto 15.5.1991 to submit rejoinder if any with a copy to the other side. Thereafter the matter may be listed for admission on which date the matter may also be heard finally.</p> <p><u>R.C.B</u> <u>M.M.S</u> (R.C.Bhatt) (M.M.Singh) Judicial Member Administrative Member</p> <p>a.a.b.</p>