

3

8

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

REVIEW APPLICATION NO: 59 OF 1993

Date of decision: February 16, 1994

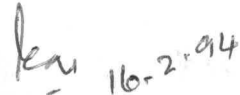
Union of India & Others	...	Applicants
	Versus	
H.K. Naik	...	Respondent

(FOR INSTRUCTIONS)

1. Whether it be referred to the reporters or not? *NO*
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not? *NO*


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

16 FEB 94


(K.P. ACHARYA)
VICE-CHAIRMAN

4

9

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Review Application No. 59 of 1993

Date of decision: February 16, 1994

Union of India & Others	...	Applicant
	Versus	
H.K.Naik	...	Respondent
For the Applicant	...	Mr. Ashok Misra, Senior Standing Counsel (Central)
For the Respondents	...	M/s. Deepak Misra, A. Deo, B.S. Tripathy, P. Panda, B.K. Sahu, Advocates

CORAM:

THE HONOURABLE MR. K.P. ACHARYA, VICE-CHAIRMAN
&
THE HONOURABLE MR. H. RAJENDRA PRASAD, MEMBER (ADMN.)

J U D G M E N T

K.P. ACHARYA, V.C.

This Review Application arises out of the judgment passed in Original Application No. 486 of 1993 disposed of on 14th September, 1993 in which we had directed disposal of the disciplinary proceeding within a stipulated period and we further stated that in case the suspension order has not been confirmed by the higher authority namely by the Supdt. of post Offices, the order of suspension is deemed to have been quashed. This part of the order is sought to be reviewed.

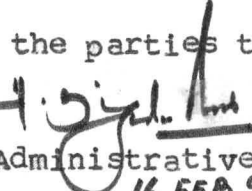
2. We have heard Mr. Ashok Misra learned Senior Standing Counsel (Central) and Mr. B.S. Tripathy learned counsel appearing for the Respondent in this Review Application. Mr. Ashok Misra invited our attention to the facts stated in Annexure B and C. Annexure B is a circular issued by the competent authority on

for

11.5.1988 stating that cases of put off duty must be brought to the notice of the higher authority and it should be ratified by that authority within one month. While inviting our attention to Annexure C, Mr. Mishra contended that this rule has since been changed vide letter No. ST/10-1/65Pt. III (Corr) dated 2nd February, 1990 in which it has been stated that if the appointing authority has placed an E.D.D.A under suspension, the matter need not be referred to the higher authority for confirmation. Therefore, Mr. Misra contended that in the present case, the E.D.D.A. having been appointed by the SDIP who is the appointing authority, no further reference need be made to the Supdt. of Post Offices for confirmation. We think there is substantial force in the contention of Mr. Ashok Misra learned Senior Standing Counsel (Central).

3. In the circumstances stated above, we direct that the observations of this Bench quashing the order of suspension is hereby reviewed. It may be treated as cancelled.

4. Thus, the Review application stands allowed leaving the parties to bear their own costs.


Member (Administrative)
16 FEB 94
Central Admn. Tribunal,
Cuttack Bench/K. Mohanty
16.2.1994.




16-2-94
Vice-Chairman