

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CUTTACK BENCH

ORDER SHEET

Original Application No. 149 of 2002

Applicant (s) ... Smt. Ushanamzi Nayak Respondent (s) ... Union of India

Advocate for Applicant (s) ... Mr. P. K. Pathi Advocate for Respondent (s)

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

L.P.O/B.D. for Rs.50/- filed
For Registration please.

A.O. 27/12

For Admonition —
copy served.

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REGISTER

27/5/2002
Registrar

Order No. 1, dated 2.4.2002.

The applicant, an Extra Departmental Branch Post Master, having faced removal from service, preferred an appeal and the said appeal having been dismissed, she has preferred representation to the Member(Personnel), office of Director General, Posts, Dak Bhawan, New Delhi, for redressal of her grievances. The Senior Standing Counsel Mr.A.K.Bose appearing for the Union of India states that the grievances of the applicant can only be considered/re-considered within the framework of the revisional powers conferred under Rule 16 of the ED Agents (Conduct

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& Service) Rules, 1964. Rule 16 is extracted hereinbelow:

"16. Revision :

Notwithstanding anything contained in these rules:

- (i) the Central Government; or
- (ii) the Head of the Circle, or Postmaster-General (Region), as the case may be; or
- (iii) any authority immediately superior to the authority passing the orders;
- (iv) any other authority specified in this behalf by the Central Government by general or special order and within such time as may be prescribed in such general or special orders:

may, at any time, either on its own motion or otherwise call for records of any enquiry or disciplinary case and revise an order made under these Rules, reopen the case and after making such enquiry as it considers necessary, may

- (a) confirm, modify or set aside the order, or
- (b) pass such orders as it deems fit:

Provided that no such case shall be reopened under this rule after the expiry of 6 months from the date of the order to be revised except by the Central Government or by the Head of the Circle or by the Postmaster-General (Region) and also before the expiry of the time-limit of three months prescribed for preferring an appeal.

Provided further that no order imposing or enhancing any penalty shall be made by any Revisionary Authority unless the employee concerned has been given a reasonable opportunity of making a representation against the penalty proposed and where it is proposed to impose any of the penalty specified in Clauses (V) and (VI) of Rule 7 or to enhance the penalty imposed by the order sought to be revised, to any of

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the penalties specified in those clauses, no such penalty shall be imposed except after the enquiry in the manner laid down in Rule 8, in case no such enquiry has already been held."

2. A plain reading of the aforesaid Rule 16 shows that the revisional authorities have got powers to examine the matter on their own motion or otherwise to confirm, modify or set aside any punitive order or to pass such other order as it appears fit in the facts and circumstances of the case. The Advocate for the applicant submits that in fact she seeks indulgence of the revisional powers under Rule 16 for redressal of her grievances.

3. In the aforesaid premises, respondent no.1, Member (Personnel), office of the Director General, Posts, Dak Bhawan, New Delhi, is directed to call for the records and examine the matter/grievances of the applicant in exercise of the revisional powers and, if he is not to exercise the said powers, he is to send the ^{Case} ~~same~~ to the appropriate revisional authority for due consideration of the case/grievances of the applicant.

4. The grievances of the applicant should receive due consideration, as aforesaid, within a period of six months; within which time the revisional authority should call for all the material records from the disciplinary authority/appellate authority and give due

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Postal segregates bited.

The copy of order dt.
2-4-02 and O.A. copy
served to all the depts.
by Registered A.D.
posts.

The same copy of
order served to the
counsel for both
sides.

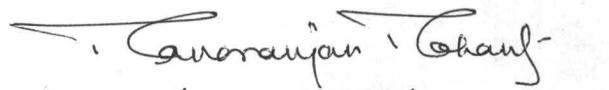
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justice to the applicant; notwithstanding the hypertechnicalities of non-submission of the revision petition in proper forum/through proper forum/in time.

5. With the aforesaid observation and direction, this O.A. is disposed of. Send copies of this order along with copies of the Original Application to the respondents at the cost of the applicant, and the respondents are directed to comply with the orders within six months from the date of receipt of copy of this order. Mr. Padhi appearing for the applicant undertakes to file the required postages for communication of this order and copies of the Original Application to the respondents by 5.4.2002.


(M.R. MOHANTY)
02/04/2002
MEMBER (JUDICIAL)