

(18)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

O.A. No. 243/96
T.A. No. XXXXX

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DATE OF DECISION 08.10.96

Krishan Lal Chadha Petitioner

Mr. O.P. Sawhney Advocate for the Petitioner (s)

Versus

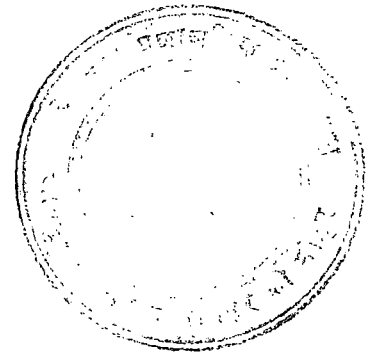
Union of India & Others. Respondent

— Advocate for the Respondent (s)

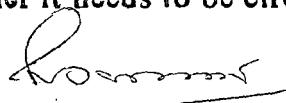
CORAM :

The Hon'ble Mr. Gopal Krishna, Vice Chairman

The Hon'ble Mr. S.P. Biswas, Administrative Member.



1. Whether Reporters of local papers may be allowed to see the Judgement? Yes.
2. To be referred to the Reporter or not? Yes.
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.


(S.P. BISWAS)
Administrative Member


(GOPAL KRISHNA)
Vice Chairman

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH, JODHPUR.

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Date of Decision: 08.10.96

OA 243/96

Krishan Lal Chadha, ex Senior Stores Superintendent, 32 Wing, Air Force, c/o 56 APO.

... Applicant

Versus

1. Union of India through the Secretary, Ministry of Defence, Government of India, New Delhi.
2. The Chief Of Air Staff, Air Headquarters, Vayu Bhawan, New Delhi.
3. The Air Officer Commanding-in-Chief, Headquarters South Western Air Command, Ratanada, Jodhpur.
4. The Air Officer Commanding, No.32 Wing, Air Force, c/o 56 APO.

... Respondents

CORAM:

HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

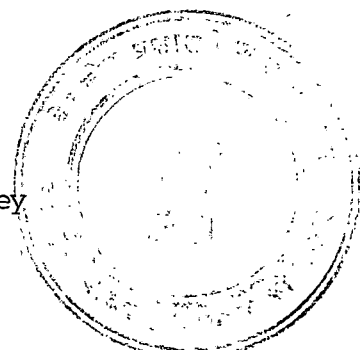
HON'BLE MR.S.P.BISWAS, ADMINISTRATIVE MEMBER

For the Applicant

... Mr.O.P.Sawhney

For the Respondents

... _____



O R D E R

PER HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

Applicant, Krishan Lal Chadha, in this application u/s 19 of the Administrative Tribunals Act, 1985, has prayed for declaring the provisions contained in Rule 24 and Rule 41(1) of the Central Civil Services (Pension) Rules, 1972 (for short, the Rules), as unconstitutional and ultra vires as also for a declaration that the impugned order dated 3.6.95, passed by respondent No.2, is illegal.

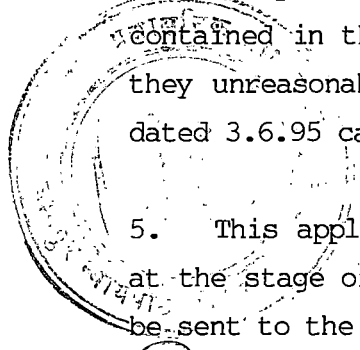
2. We have heard the learned counsel for the applicant and have carefully gone through the records of the case.

3. The relevant facts giving rise to this application may be briefly stated as follows. The applicant while serving as Senior Stores Superintendent in the South Western Air Command, Ratanada, Jodhpur, was served with a charge-sheet dated 9.8.75 for major penalty. The charges were investigated into by a Board of Enquiry. On completion of enquiry, the extreme penalty of dismissal from service was imposed upon the applicant. The applicant then appealed against the penalty of dismissal imposed upon him to the Ministry of Defence, Government of India, New Delhi, but the appeal was rejected on the ground that the same was not

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if he had retired on [compensation pension]."

These rules came into force on 1.6.72 and they have been in vogue ever since they have come into force. We are of the view that the provisions contained in the Rules, referred to above, are neither capricious nor are they unreasonable. In the circumstances, the impugned order, at Ann.A-1, dated 3.6.95 cannot be termed as illegal.



5. This application is without any merits. It is, therefore, dismissed at the stage of admission. Let a copy of the OA and the annexures thereto be sent to the respondents alongwith a copy of this order.

S.P. Biswas

(S.P.BISWAS)
ADMINISTRATIVE MEMBER

Gopal Krishna

(GOPAL KRISHNA)
VICE CHAIRMAN

VK

