

**Central Administrative Tribunal  
Lucknow Bench, Lucknow.**

**Review Petition No.10/2005  
In  
Original Application No.50/1998  
This the 1<sup>st</sup> day of June 2009**

**HON'BLE SHRI M. KANTHAIAH, MEMBER (J)**

**HON'BLE DR. A.K. MISHRA, MEMBER (A)**

1. Union of India through its General Manager, North Eastern Railway, Gorakhpur.
2. The Senior Divisional Personnel Officer, North Eastern Railway, Ashok Marg, DRM's Office, Lucknow.
3. The Divisional Personnel Officer, North Eastern Railway, Ashok Marg, Lucknow.

... Applicant.

**By Advocate: Shri Praveen Kumar for Shri Anil Srivastava.**

**Versus.**

1. M.G.S. Puri, adult, resident of House No.E-1/442, Vinay Khand, Gomti Nagar, Lucknow working as Head Clerk (P), North Eastern Railway, in the office of Divisional Railway Manager (Personnel), Ashok Marg, Lucknow.

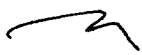
... Respondents.

**By Advocate: None.**

**ORDER**

**HON'BLE SHRI M. KANTHAIAH, MEMBER (J)**

The respondents in the main OA have filed the present Review Application under Section 22 (3) F of AT ACT, 1985 to review the orders of this tribunal dt.28.09.2004 passed in main OA and rehearing



the matter on the ground that there are errors apparent on the face of the record in the order and judgment dt.28.09.2004.

2. The applicant in OA, who is the respondents in the Review filed Counter stating that the review application is not maintainable and liable for dismissal.


3. Heard.

4. The point for consideration is whether the applicant is entitled for the relief as prayed for.

5. The admitted facts of the case are that the respondents herein is the applicant in main OA filed the OA with a prayer to quash the impugned punishment order dt. 03.09.1993 (Ann.A-1) imposing penalty of withholding increments for 35 months, order dt. 10.09.1993 imposing punishment of withholding of increments for 12 months (Ann.A-2), order dt.04.08.1995 penalty of withholding of promotion for three years (Ann.A-4) and order dt. 23.04.1995 upholding the penalty dt. 04.08.1995 by the appellate authority (Ann.A-4) and the said OA was disposed of on 28.09.2004 at admission stage with the following order:-

" In the result OA is allowed impugned orders are quashed applicant shall be entitled to all consequential benefits that shall be disbursed to him within a period of three months from the date of receipt of the copy of this order. No costs."

6. Against the order of this tribunal dt. 28.09.2004 the respondent have filed W.P.No.188 (SB) of 2005 on the filed of Hon'ble High Court of Lucknow bench but the same was dismissed as withdrawn on 31.01.2005 with liberty to the applicant to approach the tribunal by filing review petition within 15 days from the date of order and the




same shall be considered and decided on merits. Thereafter, the applicant has filed this review application on 16.02.2005 i.e. within time.

7. From the reading of the order of the Tribunal dt. 28.09.2004, it is clear that the Tribunal passed order setting aside the impugned order, dt. 03.09.1993, 10.09.1993 and 23.11.1995 whereby, a major penalty of withholding increments for 35 months <sup>^</sup>have been imposed and affirmed in appeal and revision.

8. But on perusal of the impugned order (Ann.A-1) dt. 3.9.1993 it is in respect of imposition of penalty of withholding of increments for 35 months whereas, the impugned order dt. 10.09.1993 (Ann.A-2) and order dt. 04.08.1995 (Ann.A-3) are in respect of imposition of different penalties against the applicant. The order dt. 23.11.1995 (Ann.A-4) is the order of the appellate authority upholding the penalty imposed by the disciplinary authority in respect of impugned order dt. 04.08.1995 (Ann.A-3) under which the penalty of withholding of promotion for a period of 3 year <sup>^</sup>have been imposed upon the applicant.

9. In view of the above circumstances, it is clear that while passing the order dt. 28.09.2004, this Tribunal was under the impression that the applicant challenged the impugned punishment order dt. 03.09.1993 (Ann.A-1) in respect of withholding of increments for a period of 35 months and other impugned orders dt. 10.09.1993 and dt. 23.11.1995 are confirmation of such penalty by the appellate authority and the revisional authority which is on the face of the record is not at all correct. Further, the impugned order dt.



03.09.1993 (Ann.A-1) and order dt.10.09.1993 (Ann.A-2) and order dt. 04.08.1995 (Ann.A-3) are in respect of different punishments whereas the order dt.23.11.1995 (Ann.A-4) is the order of the appellate authority against the penalty imposed by the disciplinary authority covered under (Ann.A-3) dt. 04.08.1995. But, while setting aside the impugned order, this Tribunal allowed the OA in toto meaning thereby even other 2 punishments dt.10.09.1993 in respect of imposition of withholding of increments for 12 months and for imposing punishment of withholding for promotion for three years vide order dt. 04.08.1995 (Ann.A-3) which are entirely different penalties and they have no connection with the penalty imposed vide order dt. 03.09.1993 (Ann.A-1) relating to penalty of withholding of increments for the period of 35 months. Thus, there is an error apparent on the face of record while allowing the claim of the applicant by this Tribunal in its order dt.28.09.2004 and as such, the application for review of the same is justified.

10. In the result Review application is allowed because there is an error on the face of the order of the Tribunal dt.28.09.2004.

Call on OA on 21.07.2009.

*A.K. Mishra 01/07/09*  
**(DR. A.K. MISHRA)**  
**MEMBER (A)**

*M. Kanthiah*  
**(M. KANTHAIAH)**  
**MEMBER (J)**  
*01.07.2009*

Amit/-