

CENTRAL ADMINISTRATIVE TRIBUNAL,

LUCKNOW BENCH,

LUCKNOW.

Original Application No.248 of 1990

Today, the 15th day of February, 1995.

HON. MR.JUSTICE B.C. SAKSENA, VICE-CHAIRMAN.

HON. MR. V.K. SETH, ADMINISTRATIVE MEMBER

G.p. Srivastava,
son of late Shri G.S.Lal,
aged about 59 years
(retired as Assistant Manager,
Forms, Postal Store Depot,
Lucknow),
resident of 191,
Dugawan, Lucknow-226 018. ::::::: Applicant.

BY ADVOCATE SHRI P.K.SRIVASTAVA.

VERSUS

1. Union of India,
through Secretary,
Government of India,
Ministry of Communications,
Department of Posts,
Dak Bhawan, Sansad Marg,
New Delhi.
2. Union of India,
through Secretary to
Government of India,
Department of Personnel &
Training, New Delhi.
3. The Chief Post Master General,
U.P. Circle, Lucknow.
4. The Director,
Postal Services,
Lucknow Region,
Lucknow.
5. The Senior Superintendent
of Posts, Lucknow-226 003.
6. The Superintendent,
Postal Stores Depot,
Lucknow-226 001. ::::::: Respondents

BY ADVOCATE DR. DINESH CHANDRA.

O R D E R (Oral).

JUSTICE B.C. SAKSENA, VICE-CHAIRMAN.

We have heard the learned counsel for the

parties. Through this O.A. the applicant has challenged the validity of an order dated 29-9-1988, which is Annexure-6 to the O.A. By this order the President of India is purported to have reviewed the case suo moto on the ground that the charges brought against the applicant were not properly drafted keeping in view various aspects of the case. The case was, therefore, remitted back to the disciplinary authority for de-novo proceedings under Rule 14 of the C.C.S.(C.C.A.) Rule, 1965 right from the stage of issue of charge sheet. There is a controversy between the parties. The applicant's case is that since the President has exercised the power of reviewing the case suo moto, it could have only been passed under Rule 29-A of CCS(CCA) Rules, 1965. On the contrary the respondents stand in the C.A. and which was urged by the learned counsel for the respondents before us is that this order was passed in exercise of power under Rule 29(1)(c) of the said Rules. Rule 29 provides for revision of the orders passed while Rule 29-A provides for revision. In view of the intrinsic evidence, the use of the words that the President has reviewed the case suo moto, there can be no manner of doubt that the impugned order was purported to have been passed in exercise of power under Rule 29-A and not under Rule 29(1)(i).

2. The learned counsel for the applicant next submitted that the ground on which the case has been reviewed suo moto does not fall within the purview of Rule 29-A of the said Rules. We find force in the said submission. Accordingly in view of the discussions herein above, the O.A. deserves to be allowed and it is hereby allowed. The order dated

29/9/1988 passed by the Assistant Director(Vigilence) ~~of concerned proceeding held in pursuance thereof~~ contained in Annexure-6 ~~and~~ quashed. We, however, shall make it clear that the quashing of the said order will not off set the orders of punishment passed by the disciplinary authority and as modified by the appellate authority. Costs easy.

V. S.

MEMBER(A)

Joe Jaiswal

VICE-CHAIRMAN.