

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
PATNA BENCH, PATNA.

CA NO. 360/96

DATED: 1.5.2000

32/1.5.2000

Sh. N.P.Sinha, counsel for the applicant.

Sh. S.C.Jha, ASC, for the respondents.

Name of parties : Sh. Raghunath Jha Vs. Union of India & Ors.

Heard the counsel appearing on behalf of both the parties. To cut the long matter short, the applicant has sought for the relief to direct the authorities to permit the applicant to file a review/revision petition to the President of India against the order of punishment of 50% reduction in his pension imposed vide order dated 28.5.94 (Annex. 28) under Rule 9 of the CCS Pension Rule-1972, vide supplementary application filed on 1.5.2000. It appears that the review petition filed by the applicant on 28.4.94 through the Post Master General, North Region Muzaffarpur as at Annex. A/22 was returned to the applicant by the Supdt. of Post Office, Darbhanga Division, Darbhanga, on the ground that no appeal or petition lies against the order passed by the President under Rule 9 of CCS Pension Rule-1972, as at Annex. A/23.


The learned counsel for the applicant contended that the applicant had filed the aforesaid review petition under Rule 29 A of CCS (CCA Rule) under which the President may at any time either on his own or otherwise review any order passed under this rule, when any new material evidence which could not be produced or was not available at the time of passing the order under review and which has the effect of changing the nature of the case, has come, or has been brought to his notice. According to the counsel for the applicant, the Supdt. of Post Offices, Darbhanga, has wrongly returned the aforesaid review petition of the applicant under Rule 9 CCA Rule. In fact, he did not consider the provision <sup>under</sup> Rule 29 A of CCS (CCA Rule) which, as said above, provided for review of the impugned order by the President of India. The counsel for the applicant referred to the decision of the CAT, Calcutta Bench, reported in 1996 32 ATC Page 540 in support of his stand. It appears from the decision in the aforesaid case that the revision/appeal in case of reduction of pension lies to the President of India under aforesaid pension rule. In view of the aforesaid provision in rule and as explained in the decisions referred to above, we are of the considered view that the review petition against the aforesaid punishment of reduction of pension lies before the President of India,

and it is, therefore, necessary that the appropriate authority passes the order on the review application dated 15.8.1994, preferred by the applicant, either by rejecting it on the ground that no appeal lies against the impugned order passed in the name of the President of India or entertaining it and deciding it on merit.

Accordingly, the official respondents are directed to consider the case of the applicant for permitting him to file/forward the review petition as at Annexure A/22 and to dispose of the same by means of reasoned order as per provision under Rule 29 A of the CCS(CCA Rule). The exercise shall be completed within three months from the date of receipt of the copy of the order. Accordingly, this OA is disposed of with no order as to costs.

AKJ/CBS

  
(L. HMINGLIANA)  
MEMBER (A)

  
(L. JHA)  
MEMBER (J)