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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY.

O.A.No. 414/87
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DATE OF DECISION 27.07.1987

Mr. M.H. Shaikh Applicant/s.

Mr. M.A. Mahalle Advocate for the Applicant/s.

Versus

Union of India through Respondent/s.

Secretary, Min. of Finance
New Delhi

Advocate for the Respondent(s).

CORAM:

The Hon'ble Vice Chairman Shri B.C. Gadgil
The Hon'ble Member (A) Shri L.H.A. Rego

1. Whether Reporters of local newspapers may be allowed to see the Judgment?
2. To be referred to the Reporter or not ?
3. Whether to be circulated to all Benches?

yes

no

no

4

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY

O.A. No. 414/87

Mr. M H Shaikh
Prem Guru
Flat No.2B, 3rd floor,
B Block, Jain Mandhir Road
Bandra (W), Bombay 400050

Applicant

V/s.

Union of India through
The Secretary
Ministry of Finance
(Department of Revenue)
New Delhi

Respondent

Coram: Hon'ble Vice Chairman B.C. Gadgil
Hon'ble Member (A) L.H.A. Rego

Appearance:

Mr. M.A. Mahalle
Advocate
for the applicant

ORAL JUDGMENT

Dated: 27.7.1987

(Per: B.C. Gadgil, Vice Chairman)

TRK

The applicant was an Income Tax Officer. Before his ¹retirement a Disciplinary Proceeding was conducted against him. The said proceeding was thereafter continued under Rule 9 of the Pension Rules. The President of India on 18th August 1986, passed an order of inflicting penalty of withholding ^{le}the full pension of the applicant. The applicant filed a revision application to the President against that order. That application is dated 22.10.1986. The concerned Department informed the applicant that it will not be possible to entertain the said revision application as the CCS(Pension Rules) do not provide for ^{le}a revision of the President's order. It is this communication that is challenged before us.

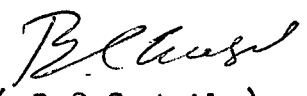
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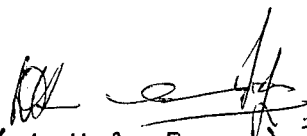
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2. We have heard Mr. Mahalle, advocate, for the applicant. On our opinion the application is liable to be summarily dismissed for the following reasons:

It is material to note, that Mr. Mahalle contended that he moved the President under Rule 29 of the CCS/CCA Rules. It is true that that rule contemplates a number of authorities (including the President) who can exercise revisional powers either on its motion or otherwise. Sub-Rule 3 provides that the said revision shall be dealt with, in the same manner as if it is an appeal under the rules. Mr. Mahalle, therefore, submitted that the President can exercise revisional powers under this rule. This rule contemplates a number of authorities including authorities inferior to ^{LR} ~~that of~~ the President. It is a well-known principle, that the revisional powers can be exercised by an authority with respect to the order that has been passed by another authority which is sub-ordinate to the revisional authority. The President under the rules would therefore be able to exercise revisional powers with respect to the orders, that have been passed by the authorities subordinate to the President. However, that does not mean that the President can revise his own order. Under these circumstances, we do not think that there is any error in not entertaining revision against the order of the President. The applicant's grievance in that respect is not well-founded.

The application is, therefore, summarily dismissed.


(B C Gadgil)
Vice Chairman


(L.H.A. Rego) 27.7.87
Member (A)