

(2)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

O.A. NO: 154/89 and 155/89 199  
~~XXXXXX~~

DATE OF DECISION 20.7.92

Shri Bhaklu Behera

Petitioner

~~Shri N.R. Chaudhari~~

Shri L.M. Nerlekar

Advocate for the Petitioners

Versus

Vice Admiral, Chief of Respondent  
Personnel, Naval H.Q. New Delhi

Shri Masurkar.

Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. Justice S.K. Dhaon, Vice Chairman.

The Hon'ble Mr. M.Y. Priolkar, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
  2. To be referred to the Reporter or not ?
  3. Whether their Lordships wish to see the fair copy of the Judgement ?
  4. Whether it needs to be circulated to other Benches of the Tribunal ?
- } No

Smy  
(S.K. DHAON)  
Vice Chairman

mbm\*

(8)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No. 154/89

Shri Bhallu Behera

.... Applicant.

V/s.

Vice Admiral, Chief of Personnel  
Naval H.Q. New Delhi.

... Respondent.

Original Application No. 155/89

Shri N.R. Chaudhari

.... Applicant.

V/s.

Vice Admiral, Chief of Personnel  
Naval H.Q. New Delhi.

.... Respondent.

CORAM: Hon'ble Shri Justice S.K. Dhaon, Vice Chairman.

Hon'ble Shri M.Y. Priolkar, Member (A)

Appearance:

Shri L.M. Nerlekar, counsel  
for the applicant.

Mrs. Masurkar for Mr. V.S.  
Masurkar for the respondents.

ORAL JUDGEMENT

Dated: 20.7.92

¶ Per Shri Justice S.K. Dhaon, Vice Chairman ¶

In these applications the controversy involved is similar. Therefore they can be conveniently disposed of by a common order.


The applicants in both the cases were given a minor punishment by the punishing authority. The Vice Admiral, Chief of Personnel by separate but similar orders dated 5.4.88, in the exercise of revisional powers, enhanced the punishment of both the applicants and removed them from service. Both the applicants are challenging the order of Vice Admiral by means of these applications.


In the two impugned orders that the Vice Admiral exercised the power of revision under Rule

29(1) of Classification and Control Rules. Rule 29(1) (vi) provides that any authority specified by the President by general or special order, and within such time as may be prescribed may at any time call for the record and revise the order. The question is whether the Vice Admiral had been authorised by the President by any general or special order. In OA 941/89 decided on 13.2.92 an order dated 5.4.88 passed by the Vice Admiral came up for consideration. This Tribunal held that the Vice Admiral had not been conferred the delegated power under the aforesaid Rule 29(vi). This Tribunal, therefore, quashed the order of the Vice Admiral. The decision of the Tribunal afore mentioned squarely applies to the facts of the two cases before us. On the basis of the said decision, we have no alternative but to hold that on 5.4.88, when the two impugned orders were passed, the Vice Admiral had no jurisdiction to do so.

These applications are allowed. The orders passed by the Vice Admiral on 5.4.88 are quashed.

There shall be no order as to costs in both the cases.

  
(M.Y. PRIOLKAR)  
MEMBER (A)

  
(S.K. DHAON)  
VICE CHAIRMAN

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