

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI.

R.P. No.58/2000  
&  
M.P.No.699/2000  
in  
O.A.No.408/1996

Date of decision: 4th April, 2001.

CORAM: HON'BLE SHRI B.N.BAHADUR, MEMBER (A)  
HON'BLE SHRI S.L.JAIN, MEMBER (J)

Shri J.D.Lalvani ..... Applicant

(By Shri G.K.Masand, Advocate)

vs.

Union of India & Ors. .... Respondents  
(By Shri R.R.Shetty, Advocate)

O R D E R [ORAL]

[Per: B.N.Bahadur, Member (A)]

We have heard both Counsels on R.P.No. 58/2000 for some length. An error apparent as purportedly pointed out by Shri Shetty is with reference to para 25, where he states that the delegation Order has been annexed. We have gone through this aspect with reference to the judgement in totality. In fact at para 13 this point has been noted. Even if this limited position in para 25 is not factually true, we find that this is not the sole or even the major reason for arriving at the conclusion in the O.A. The conclusion is arrived at, as is evident in the operative part of the judgement, on the basis that only the General Manager in this case is competent to impose penalty, as imposed. The legal point as to whether a (lower) competent authority can make and issue orders of penalty, even if a higher authority made the appointment was discussed. Even here, there is no case for the review

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petitioner apart from the fact that this is really a point of law that is being agitated. It cannot be agitated in an R.P., even if it carries weight, which it does not. Apart from the matter failing on this count, the R.P. is hit by limitation, which is also an infirmity and R.P. stands dismissed along with M.P. filed for condonation of delay. No orders as to costs.

S.L.Jain  
(S.L.Jain)  
Member (J)

B.N.Bahadur  
(B.N.Bahadur)  
Member (A)

sj\*