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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE SIXTH DAY OF FEBRUARY, 1987

Present : Hon'ble Shri Ch Ramakrishna Rao ... Member (J)

Hon'ble Shri P. Srinivasan ... Member (A)

REVIEW APPLICATION NO. 32/86

Air Marshal, Air Officer,
Commanding-in-Chief,
HQ Training Command, IAF,
Hebbal, Bangalore-6.

Group Captain, Commandant,
Elementary Flying School,
Air Force Station,
Bidar-585 401.

... Applicants

(Shri N. Basavaraju ... Advocate)

V.

D.D. Prasad,
Senior Store Keeper,
F.A.No.24577,
Elementary Flying School,
Air Force Station, Bidar.

... Respondent

This Review Application came up for admission before this Court today, Hon'ble Shri P.Srinivasan, Member (A), made the following:

ORDER

In this Review Application the applicants who were respondents in Application No.331/86 want us to review our order passed in the said Original Application No.331/86 on 23.10.1986.

2. Shri N.Basavaraju, learned counsel for the applicants in this Review Application points out that under Rule 12(4)(a) read with Rule 12(2)(a) the power to impose penalty can be delegated to an authority lower than the appointing authority by the President and that in this case such delegation was made and that, therefore, our order holding the imposition of penalty to be invalid should be reviewed.

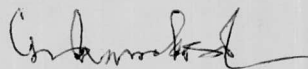
3. We may state here that when dealing with Review Applications we are not sitting as a court of appeal over our original order. We have in the original order referred to Rule 12(2)(a) and have pointed out



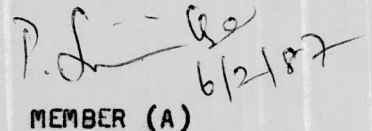
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how the provisions of that rule are subject to the provisions of Rule 12(4)(a) and that under Rule 12(4)(a) it is only the appointing authority who can impose a penalty specified in clauses (v) to (ix) of Rule 11. Since in this case the penalty levied falls under clause (vii) of Rule 11 and as it was imposed by an authority subordinate to the appointing authority we held the order imposing the penalty to be bad. To accept the review application would mean that we should reexamine our own interpretation of the same rules as if we were the appellate authority. Apart from the fact that we do not find any merit in the point raised in the review application we have to reject it because it calls upon us to act as an appellate authority.

4. In the result this Review Application is rejected at the stage of admission itself.



MEMBER (J)



MEMBER (A)

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