

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE

DATED THIS THE 6TH APRIL, 1987.

PRESENT:

Hon'ble Mr. Justice K.S. Puttaswamy,

.. Vice-Chairman.

And

Hon'ble Mr. P. Srinivasan.

.. Member(A).

REVIEW APPLICATION NUMBER 32 OF 1987.

Y.S. Panduranga,  
Aged 46 years,  
S/o Sri S. Subba Rao,  
No. B.3/10, D.O.S. Housing Colony,  
H.A.L. II Stage, Indiranagar,  
Bangalore-560 038.

.. Applicant.

v.

1. The Director,  
ISRO Satellite Centre,  
Airport Road, Vimanapura P.O.,  
Bangalore-17.
2. The Controller,  
ISRO Satellite Centre,  
Airport Road, Vimanapura P.O.,  
Bangalore-560 017.
3. The secretary,  
Government of India,  
Department of Space,  
Cauvery Bhavan,  
Bangalore-9

.. Respondents.

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This application having come up for preliminary hearing this day  
xxxx Member(A) made the following:

ORDER

In this application the applicant wants us to review our order dated 5-2-1987 passed in Application No. 1740 of 1986. In that application the applicant who had been awarded punishment under the Central Civil Services (Classification, Control and Appeal) Rules of reduction to a lower grade which was to act as a bar for his promotion to the next higher grade for a period of 5 years, was,

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was after the expiry of the said five years, promoted afresh to his original post. He claimed that on such fresh promotion his original seniority in that grade should be restored. We had rejected this claim on the ground that once he was reverted to a lower grade and thereafter considered afresh for promotion and promoted to the original grade, his seniority in the said original grade can count only from the date of his fresh promotion.

2. The application is delayed by 13 days. The applicant has filed an application for condonation of delay. Having considered this application, we condone the delay and proceed to consider the application on merits.

3. The applicant who was present himself contends that in passing our original order, we had not interpreted the Rules correctly and that according to the Rules when a major punishment of reversion had been ordered for a fixed number of years and the official is thereafter given promotion to the original post, he should get back his original seniority. He cited FR-29 on this point and the instructions issued thereunder.

4. We have considered the contention of the applicant carefully. We may at the outset clarify that in review, we do not sit as a Court of Appeal to reappraise the evidence and to come to a different conclusion. If we had proceeded on a particular interpretation of a rule, we cannot now in review offer a fresh interpretation. Moreover we are still of the opinion that when a person is reduced in rank as a measure of penalty, to say that he should retain his original seniority in the higher post, when he is promoted afresh to that post after suffering the penalty, would be a clear contradiction in terms. A person cannot be punished and yet retain<sup>M</sup> his original seniority. The instructions relied on by the applicant relate to a situation where a person is reduced to a lower stage<sup>M</sup> in the same time scale and not to a case where a person is reverted to a lower post. As we have earlier stated, it would certainly be a contradiction in terms to revert a person to a lower post and at the same time allow him to retain his seniority in the higher post as and when

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