

CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A.No. 675/92

Date of Decision 14.1.1992

R.V.Bhor Petitioner

Shri Y.R.Singh. Advocate for the Petitioner.

Versus

Union of India & Ors. Respondent

for Shri P.M.Pradhan.

Shri S.S.Karkera Advocate for the Respondents.

Coram:

The Hon'ble Mr. B.S.Hegde, Member(J),

The Hon'ble Mr. M.R.Kolhatkar, Member(A).

1. To be referred to the Reporter or not?

2. Whether it needs to be circulated to other
Benches of the Tribunal?


(B.S. HEGDE)

MEMBER(J).

*Copy to
M(J)*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

MUMBAI BENCH, MUMBAI.

Original Application No.675/92.

16th, this the Tuesday day of January 1997.

Coram: Hon'ble Shri B.S.Hegde, Member(J),
Hon'ble Shri M.R.Kolhatkar, Member(A).

R.V.Bhor, ... Applicant.
Igatpuri,

Old Goutha,

In front of Devi's Mandir,
Igatpuri, Dist. Nashik. ... Applicant.

(By Advocate Shri Y.R.Singh).

V/s.

1. Union of India through
The Secretary,
Department of Telecom,
Ministry of Communication,
Sanchar Bhavan,
New Delhi.

2. The Chief General Manager,
Telecom, Maharashtra GPO Building,
Bombay.

3. SDO Telegraphs,
Satana, Nashik,

4. The Telecom District Manager,
Nashik. ... Respondents.

(By advocate Shri S.S.Karkera,
for Shri P.M.Pradhan)

O R D E R

(Per Shri B.S.Hegde, Member(J))

Heard Shri Y.R.Singh, counsel for the
applicant and Shri S.S.Karkera for Shri P.M.Pradhan,
counsel for the Respondents. The only prayer made
in this O.A. is to quash and set aside the impugned
order passed by the Respondents vide order dt.13.8.1990.

2. The applicant was initially imposed with
a penalty of withholding of two increments of pay
without cumulative effect by the Disciplinary Authority

Am

on 30.6.1990. Aggrieved by the said order, he preferred an O.A. before the Central Administrative Tribunal, Mumbai Bench viz. O.A. No.440/91. The Tribunal vide its order dt. 22.8.1991 rejected the same treating it as premature and it is open to the applicant to exhaust all remedies available to him under the relevant Service Rules before approaching the Tribunal. Instead of preferring an appeal to the prescribed Appellate Authority, he filed a Revision Petition, inter alia, urging that the order dt. 13.8.1990 passed by the Disciplinary Authority in modification of its earlier order dt. 30.6.1990 was illegal and inoperative because the punishing authority cannot revise or modify its own order. The Revisional Authority after considering various contentions of the applicant has come to the conclusion that the punishment imposed by the disciplinary authority is justified and is not ~~on~~ on ~~the~~ high side in view of the nature of the misconduct exhibited by the petitioner. No new point has been brought forward which may merit reconsideration of his case. The revisional authority agreed with the findings of the Disciplinary Authority stating that the withholding of one increment of pay for two years without cumulative effect.

3. We do not see any infirmity in the order either passed by the Disciplinary Authority or by the Revisional Authority.

4. In the result, we see no reason to interfere with the findings of the Revisional Authority, and the same is upheld. Accordingly, the O.A. is devoid of merit, the same is dismissed with no order as to costs.

M.R.Kolhatkar

(M.R.KOLHATKAR),
MEMBER(A)

B.S.Hegde

(B.S. HEGDE)
MEMBER(J).

B.