

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE- 560 038.

Dated: 29 NOV 1994

APPLICATION NO: RA 47/93 (in OA 35/92)

APPLICANTS:- Sri. M. N. Narendra Babu

V/S.

RESPONDENTS:- Suptd of Post offices, Channapatna. & 2 others

To

1. Dr. M. S. Nagaraj

Advocate
No. 11, 11th floor, Sujatha Complex,
1st cross, Gandhi Nagar,
Bangalore - 560 009.

2. Sri. M. S. Padmarajiah

Sr. C.G.S.C.,
High Court Bldg,
Bangalore - 1

Subject:- Forwarding of copies of the Orders passed by the
Central Administrative Tribunal, Bangalore.

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Please find enclosed herewith a copy of the ORDER/
~~STAY ORDER/INTERIM ORDER/~~ passed by this Tribunal in the above
mentioned application(s) on 25th November 1995

old

Issued on 9th
29/11/95

Daya

for

DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

R.A. NO.47/93

FRIDAY THIS THE TWENTY FIFTH DAY OF NOVEMBER 1994

Shri A.N.Vujjanaradhy ... Member [J]

Shri T.V. Ramanan ... Member [A]

M.Narendra Babu,
Aged 28 years,
S/o Sri Nanjunda Rao,
C/o S. ramaswamy,
General Merchants,
Kanasavadi,
Doddaballapur Taluk,
Bangalore District.

... Applicant

[By Advocate Dr. M.S. Nagaraja]

v.

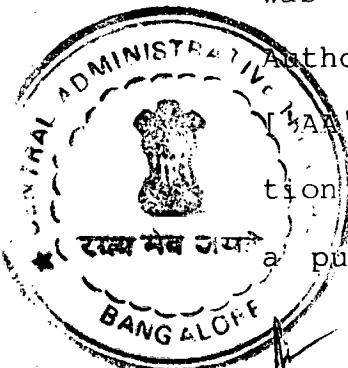
1. The Superintendent of Post Offices,
Chnnapatna Division,
Channapatna.
2. The Director of Postal Services,
Bangalore Region,
Bangalore.
3. Union of India represented by
the Secretary to Government,
Ministry of Communications,
Sanchar Bhavan, New Delhi. ... Respondents

[By Advocate Shri M.S. Padmarajaiah ...
Senior Central Government Standing Counsel]

O R D E R

Shri A.N. Vujjanaradhy, Member [J]:

1. The applicant has filed this Review Application seeking to review the order passed on 18.6.1993 on the ground that there are two errors apparent on the face of the record. Firstly that even when there was no charge of misappropriation, the Disciplinary



Authority ['DA' for short] and Appellate Authority ['AA' for short] concluded that there was misappropriation of Government money collected by the applicant, a public servant and the same has not been reckoned

by this Bench. Secondly the observation in the course of the order which refers to the statement of the applicant dated 16.1.1991 is erroneous and it does not form part of the enquiry proceeding and it is not referred to in the charge sheet. Therefore, the reliance placed on such statement is improper and an error has thus crept in the order.

2. We have heard Dr. M.S. Nagaraja for the Review Applicant and Shri M.S. Padmarajaiah, learned Senior Standing Counsel for the respondents.

3. The contention of Dr. Nagaraja is that there is no discussion relating to his contention that the charge did not contain the allegation of misappropriation and the conclusion of DA and AA that the applicant had misappropriated the funds is not justified, was not reckoned by the Tribunal and, therefore, the same has resulted in reaching an erroneous conclusion. This contention is not tenable inasmuch as the same is discussed in detail in para 5 of the order and if the applicant is aggrieved by the reasons assigned for the conclusion his remedy is not by this Review Application and, therefore, we are unable to entertain the said contention.

4. Coming to the next contention that an error has crept in in the order which refers to the statement alleged to have been made by the applicant on 16.1.1991 and the same has not been referred to in the charge sheet and the applicant was not apprised of the same.



Apparently this observation namely, "Even during the enquiry the applicant in his statement on 16.1.1991 did specifically admit to he having utilised certain amounts for himself which is nothing but dishonest misappropriation" is an error apparent on the face of the record and any how even if the same is expunged it will not have the effect of tilting the conclusion we have reached. Therefore, what we can at best do is to direct the expunction of the above observation from the order dated 18.6.1993. Only to this extent this RA will have to be allowed.

5. In the result we direct that the observation namely "Even during the enquiry, the applicant in his statement on 16.1.1991 did specifically admit to he having utilised certain amounts for himself which is nothing but dishonest misappropriation" in para 5 of the order passed in O.A. No.35/92 dated 18.6.1993 be expunged. In other respects the application is rejected.

Sd-

Sd-

MEMBER [A]

MEMBER [J]

TRUE COPY

Shyam
29/11/94
Section Officer

Central Administrative Tribunal
Bangalore Bench
Bangalore



In the Central Administrative Tribunal
Bangalore Bench
Bangalore

RA 47/93

ORDER SHEET

Application No. 8 of 1995

Applicant

MN Narendra Babu

Advocate for Applicant

Dr MS Nagareja

Respondent

Supdt of Posts, Channapatna & ors

Advocate for Respondent

Date	Office Notes	Orders of Tribunal
		<p><u>ANV MJ/TVR MA</u> 21.2.1995</p> <p><u>O R D E R</u></p> <p>1. Review of the order in R.A. No.47/93 passed on 5.11.1994 is sought on the ground that it was heard only on the question of admission and not on merits.</p> <p>2. M.A. No.102/95 seeking condonation of delay of 18 days is allowed.</p> <p>3. The detailed notes of arguments taken by us would indicate that what is sought to be made out by the Review Applicant is not correct. We had heard R.A.- No.47/93 on merits also and, therefore, see no merit in the said ground. Besides we have to observe that review of the order passed in a review application is not</p>

Date	Office Notes	Orders of Tribunal
		<p>permissible. Hence we deem it proper to reject this review application.</p> <p>Sd/-</p> <p>MEMBER [A]</p> <p>Sd/-</p> <p>MEMBER [J]</p> <p>TRUE COPY</p> <p><i>May 20/03/95</i></p> <p>Section Officer Central Administrative Tribunal Bangalore Bench Bangalore</p>