

(4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6
PRESCOT ROAD, BOMBAY-1

R.P. No. 49 of 1994

in

O.A. No. 1266/1993

P. Ramani

..Applicant

V/s.

Union of India & Ors.

..Respondents

Coram: Hon. Shri Justice M.S. Deshpande, V.C.
Hon. Shri M.R. Kolhatkar, Member (A)

TRIBUNAL'S ORDER (By Circulation) Dated: 7.4.1994

(Per: M.R. Kolhatkar, Member (A))

This is a Review Petition by the original applicant. The main grounds urged for review are in respect of specific admissions ^{said to have been made} by the respondents in paras 2, 3 of the reply ^{viz that} The respondents had issued two memoranda of charges on 17.12.1991 and 21.3.1992 on the same set of facts and allegations. On 10.1.1994 the Central Government Standing Counsel ^{allegedly mis-} ~~himself~~ represented the facts before the Hon. Tribunal that the first memorandum of charges dated 17.12.1991 was a show cause ^{notice} which the Tribunal accepted as true which is an error apparent on the face of the record.

We are not impressed by this argument. Memorandum dated 21.3.1992 is clearly under Rule 16(1)(b) of CCS(CCA) Rules 1965. However, Rule 16(1)(a) reads as below:

(5)

"16.(1) Subject to the provisions of sub-rule(3) of Rule 15, no order imposing on a Government servant any of the penalties specified in clause (i) to (iv) of Rule 11 shall be made except after -


- (a) informing the Government servant in writing of the proposal to take action against him and of the imputations of misconduct or misbehaviour on which it is proposed to be taken, and giving him reasonable opportunity of making such representation as he may wish to make against the proposal;"

The memorandum dated 17th December 1991 purports to be under Rule 16 of CCS(CCA) Rules and it has to be read as a show cause notice under 16(1)(a) of the CCS(CCA) Rules 1965. That is the way we understood the matter and we have passed our order dated 10.1.1994 on that basis.

No case for review has been made out and the review petition is accordingly dismissed.
No order as to costs.



(M.R. Kolhatkar)
Member(A)


(M.S. DESHPANDE)
Vice Chairman