

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, GULESTAN BUILDING NO. 6
PRESCOT ROAD, FORT, MUMBAI 400001.
Dated this 19th day of December 1996.

R.P. NO. 63/96

in

O.A. NO. 406/95

CORAM : 1) Hon'ble Shri B.S. Hegde, Member (J)
2) Hon'ble Shri P.P. Srivastava, Member (A)

Shri K.V. Prasada Rao
12, Mukund Apartments
Gandharva Nagari
Nasik Road 422 101 ... Applicant

v/s.

1) The Finance Secretary (C&C)
Ministry of Finance
Department of Economic Affairs
North Block
New Delhi - 110 001.
2) The Supdt. of Police
CBI (ACB), Tanna House
Colaba
Bombay 400 039. ... Respondents

Tribunal's order (By circulation).


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


The applicant has filed this Review Petition seeking review of the orders passed on 5-2-1996 in which the M.P. 835/95 filed by the applicant has been dismissed after hearing both the parties. The applicant has not made out any case in the R.P. for review of the non-speaking order passed by the Tribunal on 5-2-1996. }

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The review application itself is stale and without any substance; with the result that we do not find any merit in the R.P. and the same is therefore dismissed. No order as to costs.


(P.P. Srivastava)
Member (A)


(B.S. Hegde)
Member (J)

ssp.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: BOMBAY BENCH AT B'Y

REVIEW PETITION NO: ⁶³.....OF 1996

IN

MISCELLANEOUS PETITION NO: 835/95 (O.A.NO: 406/95)

K.V.FRASADARAO,
12 Mukund Apartments,
Gandharva Nagari,
Nasik Road- 4 22 101.

....APPLICANT

VERSUS

1. THE FINANCE SECRETARY (C&C),
MINISTRY OF FINANCE,
DEPARTMENT OF ECONOMIC AFFAIRS,
NORTH BLOCK, NEW DELHI. 1 10 001.

2. THE SUPDT. OF POLICE,
CBI (ACB) TANNA HOUSE,
COLABA, BOMBAY. 4 00 039.

...RESPONDENTS.

MOST RESPECTFULLY SHEWTH:

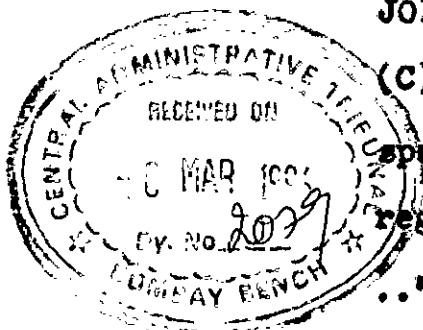
THE FACTS LEADING TO TILE THIS REVIEW PETITION:

I. FACTS:

(A) Applicant received copy of written reply on 5.2.96 at 11.00 AM in CAT, Bombay and shocked to note the contents. C.Ad.O, ISP filed the reply for the respondents, which is absolutely illegal and amounts to contempt of court. As per law, the man who imposed the penalty will be able to give the justification for his action under relevant rules. So this amounts to contempt of Courts in PUBLIC INTEREST.

(B) IT is stated in the written reply at page no:3 & para 5: "HOWEVER, THE REVIEWING AUTHORITY HAS TAKEN INTO CONSIDERATION THE REVIEW PETITION PREFERRED BY THE APPLICANT AND BY ORDER DATED 10.2.95 WAS PLEASED TO REDUCE THE PENALTY FOR STOPPING OF FIVE FUTURE ANNUAL INCREMENTS WITH CUMULATIVE EFFECT", which proves that Finance Secretary (C&C) deliberately passed non-speaking order on applicant's Revision Petition dt 17.9.1994 which was submitted to MRS. RAMAMURALI JOINT SECRETARY (C&C) Under rule no; 29 of CCS(CCA) Rules 65.

(C) Keeping into consideration, the unparliamentary words spoken with the applicant on 8.1.95 (Sunday timings in the register at G.O.B:I, The residence of Sri.S.Mitra, G.M, ISP) .." JOINT SECRETARY (C&C) WILL NOT MAKE YOUR REINSTATEMENT



AND I WILL NOT ACCEPT YOU AT INDIA SECURITY PRESS", applicant apprehends that the respondent NO:1 deliberately passed non-speaking order with unjustified penalty on the applicant, so that applicant will not join the department and Sri.S. Mitra, G.M, ISP(Under Respondent NO:1) could safely complete his four years tennure till 25.11.95 or till he gets his promotion in the parent department, whichever is earlier. It is learnt that Sri.S.Mitra has been promoted to the post of Addl. Director General & Member of Ordinance Board w.e.f 1.11.1995 and his basic pay fixed at Rs 8200/-

(D) It is stated at page NO:4 & Para NO:7 of written reply dated 5.2.1996 :..." THESE RESPONDENTS FURTHER SAY & SUBMIT THAT THE APPLICANT MADE SO MANY ALLEGATIONS AGAINST THE OFFICERS & ALSO AGAINST THE COUNSEL OF THE RESPONDENTS WITHOUT ANY BASE AND EVIDENCE AND AS SUCH THESE RESPONDENTS STATE THAT SINCE THE APPLICANT IS MAKING BASELESS ALLEGATIONS AGAINST THE DEPARTMENT & THE COUNSEL, THIS HON'BLE TRIBUNAL BE PLEASED TO TAKE NECESSARY STEPS AGAINST THE APPLICANT".

In this connection, applicant could come forward on 5.2.96 before the Hon'ble Tribunal and requested to initiate action according to law on the applicant, since applicant's allegations are based on the facts & also in PUBLIC INTEREST.

(E) The finance secretary (C&C) deliberately made false statement in his order dt 10.2.95 at para no:4 which is:..."ALTHOUGH SHRI. RAO HAD SUBMITTED MANY REPRESENTATIONS TO VARIOUS AUTHORITIES AGAINST THE ABOVE ORDER OF APPELLATE AUTHORITY, HE HAD NEVER PREFERRED ANY APPEAL TO THE REVISING AUTHORITY UNDER RULE NO:29 OF THE CCS(CCA)RULES1965. HOWEVER, IN EXERCISE OF THE POWERS VESTED IN HIM BY RULE NO: 29 (1) (iv) of CCS(CCA)RULES,1965, THE UNDERSIGNED AS THE REVISING AUTHORITY HAD ON HIS OWN, CALLED FOR THE RECORDS OF THE INQUIRING PROCEEDINGS AGAINST SHRI. RAO"with malafide intention, so that applicant's punishment can not be set aside at the admission stage itself by the Hon'ble CAT, if challenged by the applicant before this Hon'ble Tribunal.

20/1/1996
Rao

(F) Since, applicant immediately reported for duty on 24.2.95 (A/N), Mrs. RAMAMURALI, JOINT SECRETARY (C&C) issued verbal order on the basis of which Sri. A.V. Dhokra, G.M, CNP taken over the charge of G.M, ISP vide Office Order NO:260 / ADMN-3-1 dt 6.3.95. This has created the grounds for filing O.A 261/95 before CAT, Bombay for preventing his transfer to S.P.P., Hyderabad (A.P). Sri. S. Mitra GM, ISP (Under respondent NO:1) damaged name & fame of highly rated security organisation & on the other hand he declared before the Hon'ble CAT that grave injustice was caused which was rightly reflected in the judgement dated 31.3.95:..

"THOUGH THE APPLICANT WAS ATTRIBUTED MALFIDE IN LAW, WE DO NOT THINK IT IS NECESSARY TO GO INTO ITS MERITS, SINCE THE ISSUE CAN BE ADJUDICATED WITHOUT CONSIDERING THE POINT OF MALICE".

(G) Applicant filed C.P on 19.1.1995 with a view that the respondent no:1 will not be in a position to file the reply & the Hon'ble Tribunal will please to take action on the respondent.

It is really strange to note that when C.P is pending for the disposal how & why Hon'ble CAT dismissed M.P.NO:835/95 without justification. (M.P filed on 14.11.95 and attended in this regard on 11.12.95, 15.12.95 & 19.1.95). This amounts to denial of JUSTICE to the applicant by the Hon'ble Tribunal.

Applicant filed C.P.NO:23/94 in O.A.NO:663/92 on 28.1.94 under compelling situation. Although applicant pleaded his helplessness on 28.1.94 the Hon'ble Tribunal dismissed O.A.NO:663/92 on 28.1.94. Applicant's C.P.NO:23/94 was dismissed on 18.2.95 by the Vice-Chairman in a single line order that:..." IN VIEW OF THE FACT THAT THE O.A. WAS DISMISSED AS INFRUCTUOUS BY THE ORDER DT 28.01.1994, PRESENT C.P.NO:23/94 DOES NOT SURVIVE AND IS DISPOSED OF".

II. GROUNDS: Feeling aggrieved and dissatisfied by the aforesaid judgment and order dt 5.2.96, the applicant prefers this Review Petition on the following amongst other grounds:

(A) A mere glance at the prayers of the aforesaid M.P would make it crystal clear that the applicant was victimised whereas, the Hon'ble Tribunal dismissed M.P.NO:835/95 without justification.

(B) Further, applicant filed C.P. in M.P.NO:835/95 when he could not get the copy of reply in the department in anticipation on 19.1.1996. It is not proper & legal on the part of the Tribunal to dismiss M.P.NO:835/95 on 5.2.96 when the C.P. in M.P. is pending. The copy of Tribunal's Order dt 5.2.96 in M.P.NO:835/95 (C.A406/95) and M.P.NO:57/96 (O.A.NO:1388/94) is enclosed for ready reference at Ex-"A" & Ex-"B" to this Review Petition. Applicant say & submit that this is a fit case to review under Central Administrative Tribunal's Act, 1995. Applicant say that he did not violated the law.

Ex-A
&
Ex-B
JON
ETB

PRAYERS: In view of above, applicant prays that the prayer in M.P: " RESPONDENT NO:1 BE DIRECTED BY THE ORDER OF THIS HON'BLE TRIBUNAL TO SUBMIT THE JUSTIFICATION FOR THE PUNISHMENT IMPOSED ON THE APPLICANT" is reasonable and tenable in law. Therefore, this Hon'ble Tribunal review the order dt 5.2.1996 in M.P.NO:835/95.

(B) This Hon'ble Tribunal pleased to direct the respondent no:1 to promote the applicant by opening the sealed cover promotion after quashing the penalty by this Hon'ble Tribunal, Bombay.

(C) If desired, this Hon'ble Tribunal be directed the respondent no:1 to place the records for perusal before this Hon'ble Tribunal to establish the truth of applicant's allegations made in the M.P. Applicant shall ever cooperate to this Hon'ble Tribunal in the interest of JUSTICE. The Hon'ble Tribunal be pleased to punish, the applicant in case the allegations proved to be baseless and not based on the facts on therecords. Sri.S.Mitra, G.M, ISP fully damaged the name and fame of ISP in THE PUBLIC INTEREST.

(D) At last, applicant prays the cost of the application be provided since applicant made unfruitful efforts in the interest of truth and applicant already suffered lot with out getting JUSTICE.

PLACE: NASIK ROAD,
DATE: 08-03-1996.

K.V. Prasad Rao
APPLICANT'S SIGNATURE.

. VERIFICATION .

I, K.V.PRASADARAO, the applicant do here by verify that the contents of this REVIEW PETITION are believed to be true & correct and I have not suppressed any material facts.

PLACE: NASIK ROAD,
DATED: 08-03-1996.

K.V. Prasad Rao
APPLICANT'S SIGNATURE.

AFFIDAVIT.

I, K.V.PRASADARAO, the applicant do here by solemnly affirm that the contents of this REVIEW PETITION are believed to be true and correct and I have suppressed no material facts to this Hon'ble Tribunal.

PLACE: NARIZ ROAD,

DATED: 08-03-1995.

K.V. Prasad Rao
APPLICANT'S SIGNATURE

NOTARISED BEFORE