

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR
BENCH, JAIPUR.

O.A.No.890/92

Dt. of order: 16.3.93

S.B.Narsinghvi

: Applicant

Vs.

Union of India & Ors. : Respondents

Mr.Arjun Karnani

: Counsel for applicant.

CORAM:

Hon'ble Mr.Justice D.L.Mehta, Vice Chairman

Hon'ble Mr.B.N.Dhondiyal, Member(A).

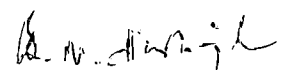
PER HON'BLE MR.JUSTICE D.L.MEHTA, VICE CHAIRMAN.


Heard the learned counsel for the applicant.
Rule 29 CCS(CCA) Rules states that 'the appellate authority within six months of the date of the order proposed to be (revised); may at any time either on his own motion or otherwise call for the records of any inquiry and (revise) any order made under these rules or under the rules repealed by Rule 34 from which an appeal is allowed, but from which no appeal has been preferred or from which no appeal is allowed after consultation with the Commission where such consultation is necessary confirm, reduce, enhance or set aside the penalty imposed by the order, or impose any penalty where no penalty has been imposed.' Shri Karnani submits that clause (v) of rule 29 provides for a limitation of six months from the date of passing of order of punishment. Rule 27 does not provide for any such limitation. Mr.Karnani emphasises that this lacuna must be removed and limitation of six months should apply from the date of orders of punishment. It is true that the punishment cannot be enhanced without giving any notice and at the time of giving a notice

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for the proposed enhancement under rule 27 no^{on} limitation has been provided. The argument^{of} of Mr.Karnani is devoid of any force as the appellate authority can apply its mind while entertaining the appeal for hearing or at the time of hearing and not at the time when the order of punishment is passed. In such circumstances, we do not find any force in the plea made by the learned counsel for the applicant.

2. As far as the merit of the case is concerned, Mr.Karnani submits that the enhancement of the penalty is based on no facts and a speaking order has not been passed. We have perused Annexure:A-1 & A-2 and we do not find any force in the submission made by the learned counsel for the applicant. The O.A. is rejected.


(B.N.Dhoundiyal) 18/3/53
Member(A)


(D.L.Mehta)
Vice Chairman.