

(11)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD.

R.P.No.78/93 in O.A.No.1070/91.

Date of Order : 3-9-93.

C.Ramaiah

.. Applicant

Vs.

1. The Sr. Supdt., R.M.S.,
Hyderabad Sorting Division,
Hyderabad.
2. The Director of Postal Services,
A.P.Northern Region,
Hyderabad.
3. The Chief Postmaster-General,
A.P.Circle,
Hyderabad.
4. The Member(P),
Postal Services Board,
Dept. of Posts,
Dak Bhavan, Sansad Marg,
New Delhi-1.

.. Respondents

Counsel for the Applicant :: Shri S.Ramakrishna Rao

Counsel for the Respondents :: Shri N.V.Raghava Reddy

CORAM:

Hon'ble Shri A.B.Gorthi : Member(A)

Hon'ble Shri T.Chandrasekhara Reddy : Member(J)

X Order of the Division Bench delivered by Hon'ble Shri
A.B.Gorthi : Member(A) X (By circulation).

In this review petition it is contended that the essence
of the D.G.P&T letter No.6/1/72-Disc. dt. 27.7.72 is as under:-

"(i) Decision to revise the order should be taken after the
appellate period and before expiry of six months.

(ii) Records should be called for specifically mentioning that
it is being done for revision of the order.

(iii) Simultaneously, the Govt. servant should be informed
of the decision to revise.

Unless all the above points are followed, it cannot be said
that the essence of the instructions has been followed."

13/9/93

Copy to:-

1. The Sr. Supdt., R.M.S., Hyderabad Sorting Division, Hyd.
2. The Director of Postal Services, A.P.Northern Region, Hyderabad.
3. The Chief Postmaster-General, A.P.Circle, Hyderabad.
4. The Member(P), Postal Services Board, Dept of Posts, Dak Bhavan, Sansad Marg, New Delhi-1.
5. One copy to Sri. S.Rama krishna Rao, advocate, CAT, Hyd.
6. One copy to Sri. N.V.Raghava Reddy, Addl. CGSC, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

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para 9.16
7.9/3

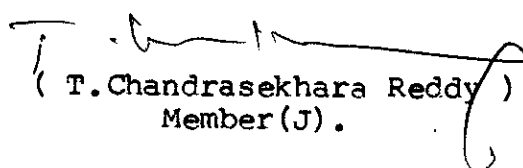
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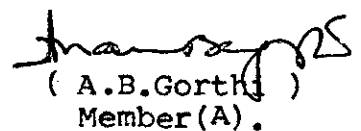
(2)

2. The main contention raised once again in this review petition is that the Respondents did not comply with the said D.G.P&T instructions under which the relevant records should have been called for by the reviewing authority within a period of six months. This aspect of the case was examined at length in paras 5 and 6 of our judgement dt. 9.7.93 in the O.A. For easy reference, we quote below para 6 of our judgement.

"A careful perusal of the aforesaid D.G.P&T letter would show that as stipulated in Rule 29(1)(v) of CCS(CCA) Rules, the appellate authority may revise the penalty and for that purpose call for the records of any enquiry and any order made under the said rules within a period of six months from the date of the order proposed to be revised. The D.G.P&T letter clarifies that while calling for the records the intention of the appellate authority to enhance the punishment should be made known to all concerned, particularly to the delinquent employee. The essence of the said letter is that within a period of six months the delinquent employee must come to know the intention of the appellate authority to enhance the penalty. This requirement, in the instant case, is sufficiently met by the appellate authority's action of issuing a show cause notice to the applicant indicating that he proposed to enhance the penalty."


3. The review petition does not show what was the error, latent or patent, in our observation. In a review petition it is not open for the petitioner to advance the same arguments once again. The review petition lacks merit and it is hereby dismissed. No order as to costs.


(T. Chandrasekhara Reddy)
Member (J).


(A.B. Gorthi)
Member (A).

Dated: 3 Sept., 1993.

br.


By Registrar (24/9/93)

Contd - - - 3/-