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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD

Date 29-1-92

Review Petition No.13/92

OA No. 554/91

BETWEEN

Sri Y. Madhusudhan Reddy

.. Petitioner

AND

1. The Superintendent of Post Offices  
Nalgonda Division  
Nalgonda

2. The Director of Postal Services  
O/o The Post Master General  
Hyderabad Region  
Hyderabad

.. Respondents

COUNSEL FOR THE APPLICANT :: SRI S. RAMAKRISHNA RAO

COUNSEL FOR THE RESPONDENTS : SIR N. BHASKARA RAO, Addl  
CSO

CORAM:

HON'BLE SHRI R. BALASUBRAMANIAN, MEMBER(A)

HON'BLE SHRI T. CHANDRASEKHARA REDDY, MEMBER(J)

ORDER ON REVIEW PETITION BY CIRCULATION

Dt.: 29.1.92.

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

This Review Petition No.13/92 under Section 22(3)(f) of the Administrative Tribunals Act, 1985, is filed on 22.1.1992 for reviewing our judgement dated 10.12.1991 in OA 554/91. The said review petition is filed by the petitioner herein after receiving a copy of the judgement dated 10.12.1991 in the said OA 554/91.

After carefully considering the issues raised in this Review Petition along with facts and circumstance of the case, we see no reason why this Review Petition should not be disposed of by circulation interms of Rule 17(3) of the Central Administrative Tribunals (Procedures) Rules, 1987. Accordingly, we proceed to deal with and decide it.

At the outset, we may state that a Review Petition has quite limited purpose and it is not an appeal in disguise and is permissible only in exceptional cases within the ambit of the order of 47 Rule 1 C.P.C. With the said background, we hereby state the case of the applicant in brief.

1. The applicant at the relevant time, was working as Branch Post Master, Suddala in Gundala Mandal of Nalgonda District. On 29.7.1984, one Sri J. Komaraiah Vice-Chairman, Single Window Society, Suddala Village sent a report to the concerned authorities on 2.12.1988 complaining that there was enormous delay in delivering a Registered Letter bearing No.1074 dated 9.4.1988 addressed to the Manager, Primary Agricultural Co-operative Society, Suddala. The said registered letter is said to have contained a cheque bearing No.935433 for Rs.1,11,962/- representing loan amount for 70 poor harijans. In view of the delay in the delivery of the said Registered letter containing the said cheque, the said harijans, who are said to be poor, are said to have not been paid the loan amount and also the margin money amounting to Rs.49,712/-. Secondly, a money order bearing No.2129 dated 3.11.88 of FPO No.755, for Rs.200/- payable to one Mrs G. Chandramma of Suddala Village issued on 10.11.1988, is alleged to have been wrongly paid to one Sri C.Chandraiah of the same village.

2. In view of the said allegations as against the applicant, a regular departmental inquiry was ordered. Appropriate charges were framed against the applicant and the regular departmental inquiry was conducted by the

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Inquiry Officer appointed by the disciplinary authority. The Inquiry Officer held that both the charges framed against the applicant were proved and a copy of the Inquiry Report was served on the applicant and the applicant submitted his representation to the Disciplinary authority, who is the first respondent herein. After considering the Inquiry Report and Representation of the applicant, the first respondent, as per the order dated 28.6.1990, ordered removal of the applicant from service. Aggreived by the orders of removal from service, the petitioner preferred an appeal to the 2nd Respondent herein. The second respondent, who is the Appellate Authority, agreed with the disciplinary authority and dismissed the appeal of the petitioner, as per his order dated 26.3.1991. So, the petitioner filed OA 554/91 on the files of this Tribunal for setting aside the order of removal passed by the disciplinary authority and confirmed by the appellate authority and for other consequential reliefs.

3. The OA was heard and this Bench disposed of the said OA 554/91 as per the judgement dated 10.12.1991. As already pointed out, it is the said judgement that is sought to be reviewed by the petitioner by filing this Review Petition.

4. We have gone through the affidavit carefully accompanying the petition that is filed to review our judgement dated 10.12.1991. In the said affidavit, no error apparent on the face of the record is pointed out. The petitioner has not placed any material, which was not in possession at the time the said OA 554/91 was heard so as to show any error apparent as having been committed in the said judgement dated 10.12.1991.

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22/11/91

5. As already pointed out, the Review Petition is not an appeal in disguise whereby erroneous decision is re-heard and corrected. The review is only to correct the apparent error where any elaborate arguments are not needed to point out the error. That does not appear to be the case herein. So, in view of this position, the said review petition filed by the petitioner is liable to be dismissed.

6. In the affidavit accompanying the petition, it is urged that the removal of the applicant from the service is dis-proportionate to the wrong committed by the applicant. Hence, it is urged the penalty imposed on the applicant is liable to be modified. The learned counsel for the petitioner had relied in the said affidavit, the decision of the Supreme Court reported in AIR 1987 SC 2386, Ranjit Thakur Vs Union of India and others, wherein it is observed- as follows:

"The sentence has to suit the offence and the offender. It should not be vindictive or unduly harsh. It should not be so disproportionate to the offence as to shock the conscience and amount in itself to conclusive evidence of bias .....Irrationality and perversity are recognised grounds of judicial review. In the instance case, the punishment is so strikingly disproportionate as to call for and justify interference. It cannot be allowed to remain uncorrected in judicial review."

7. In our judgement dated 10.12.1991, in the said OA 554/91, we had held "The punishment of removal that is imposed as penalty on the applicant is not at all excessive in the circumstances of the case". While that is the view we had taken in the judgement in view of the seriousness of the charges framed against the petitioner, we are unable to understand how it is open to the applicant to ask in this Review Petition to modify the penalty that has been imposed by the disciplinary authority and subsequently confirmed by the Appellate Authority. The appropriate forum now for the applicant to have the remedy is

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the Supreme Court. Absolutely, there is no scope for <sup>it</sup> either to review the judgement nor to modify the penalty that had been imposed on the applicant for his removal from service.

8. We see no merits in this Review Petition and this Review Petition is liable to be dismissed and is accordingly dismissed.

*R. Balasubramanian*  
(R. BALASUBRAMANIAN)  
Member (Admn)

*T. Chandrasekhara Reddy*  
(T. CHANDRASEKHARA REDDY)  
Member (Judl.)

Dated: 29<sup>th</sup> Jan., 1992

*[Signature]*  
Dy. Registrar (J)

To

1. The Superintendent of Post Offices,  
Nalgonda Division, Nalgonda.
2. The director of Postal Services,  
O/o The PostMaster General  
Hyderabad Region, Hyderabad.
3. One copy to Mr. S. Ramakrishna Rao, Advocate, CAT. Hyd.
4. One copy to Mr. N. Bhaskar Rao, Addl. CGSC. CAT. Hyd.
5. One spare copy.

pvm

mvl

*[Handwritten signature]*

50/12/92  
TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.

V.C.

THE HON'BLE MR.R.BALASUBRAMANIAN:M(A)

AND

THE HON'BLE MR.T.CHANDRASEKHAR REDDY:  
M(JUDL)

AND

THE HON'BLE MR.C.J.ROY : MEMBER(JUDL)

DATED: 29-1-1992

ORDER/JUDGMENT:

R.A/G.A/M.A.No.

13/92 ✓

in

O.A.No.

554/91 ✓

T.A.No.

(W.P.No.)

Admitted and interim directions  
issued.

Allowed

Disposed of with directions.

RP Dismissed

Dismissed as withdrawn

Dismissed for Default.

M.A. Ordered/ Rejected

No order as to costs.

