

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

J A I P U R.

O.A. No. 239/92

Date of decision: 25.11.94

S.K. CHANDAK

: Applicant.

VERSUS

UNION OF INDIA & ORS : Respondents.

Mr. J.K. Kaushik : Counsel for the applicant.

Mr. Manish Bhandari : Counsel for the respondents.

CORAM:

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

Hon'ble Mr. P.N. Dhoundiyal, Administrative Member

PER HON'BLE MR. P.N. DHOUNDIYAL, ADMINISTRATIVE MEMBER:

The relief claimed by the applicant is now confined to quashing of Order dated 20.3.91 (Annexure A-4) which too, strictly speaking, suffered from limitation. However, in the interest of justice, the application for condoning of delay is allowed. Though a copy of the final order passed in the disciplinary inquiry conducted against the applicant has not been filed, it has been reproduced in para 4 of the O.A. The relevant order reads as under:-

"No.Con.E.308/3/149

MANDAL KARYALAYA
AJMER

Dated: 6.10.81

Shri S.K. Chandak,
IOW, Ajmer

Through AEN, Ajmer.

Subject: Disciplinary action against Shri
S.K. Chandak, IOW(W/S), Ajmer.

....

Your appeal No. E.308/81/1 dt. 4.4.81 has been considered by DRM and he has reduced the penalty awarded to you by Sr. DEN I Ajmer vide NIP of even No. dt. 21.2.81 to that of reduction to the post of IOW (Gr.III) in the scale of Rs. 425-700(P) on Rs. 560/- p.m. for one year without future effect.

Please note & acknowledge.

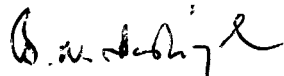
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for DRM(E) AII."

2. The respondents were not competent to go beyond this order and retrospective reversion of the applicant vide impugned order dated 20.3.91 cannot be sustained. The


impugned order is, therefore, set aside.

3. We, however, make it clear that the order passed on 30.9.88 (Annexure A-1) has neither been challenged in this application nor have we passed any judgment on it.

4. The O.A. is disposed of with the above observation, with no order as to costs.



(B.N. DHOUNDIYAL)
Administrative Member



(D.L. MEHTA)
Vice-Chairman