

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 10th day of February, 2010

REVIEW APPLICATION NO. 19/2009
IN
ORIGINAL APPLICATION NO. 398/2005
WITH
MISC. APPLICATION NO. 383/2009

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

1. Union of India through its Secretary to the Government of India, Department of Posts, Ministry of Communication and Information Technology, 20 Ashoka Road, Dak Bhawan, New Delhi.
2. Postmaster General, Rajasthan Southern Region, Ajmer.
3. Director Postal Services, Southern Region, Ajmer.
4. The Senior Superintendent of Post Offices, Kota Postal Division, Kota.

.....REVIEW APPLICANTS

(By Advocate: Mr. Gaurav Jain)

VERSUS

Pratibha Hada wife of Shri Laxman Singh Hada, aged about 53 years, resident of 151, Ballabh Badi, Kota, the then Postal Assistant (SBCO) Kotaa and presently posted as Postal Assistant (SBCO), Chittorgarh.

.....RESPONDENT

(By Advocate: Mr. C.B. Sharma)

ORDER (ORAL)

The present Review Application has been filed by the respondents (Union of India & Others) for reviewing Para No. 11 of the order dated 17.07.2009 passed in OA No. 398/2005. It may be stated that the applicant has filed the aforesaid OA thereby, inter-alia, praying that the respondents may be directed to release difference of pay and allowances for the period from 29.09.2004 to 30.06.2005. It may be stated that the applicant was put under suspension w.e.f.

29.09.2004. The said suspension order was revoked on the recommendation of the Review Committee on 16.03.2005. Since the order of suspension was revoked after a period of 90 days, this Tribunal held that the applicant shall be entitled to the consequential benefits as he shall be deemed to have been reinstated after expiry of 90 days from the date of passing of the original order of suspension dated 29.09.2004 till the suspension order was revoked on 16.03.2005. The respondents/Review applicants have no grievance regarding this finding recorded in Para No. 10 of the judgment. The grievance of the respondents/Review applicants is on the finding recorded by this Tribunal in Para No. 11 whereby this Tribunal has held that no relief can be granted to the applicant regarding full pay & allowances for the period w.e.f. 29.09.2004 till 90 days when the applicant was under suspension and matter regarding payment of pay & allowances will depend upon the ultimate decision of the disciplinary proceedings which are pending against the applicant. The respondents in Review Application have stated that disciplinary proceedings in respect of the applicant stood already concluded and even the order regarding payment of pay & allowances w.e.f. 29.09.2004 till 16.03.2005 has also been passed. It is further stated that even orders regarding as to how the period of the applicant with effect from 17.03.2005 to 30.06.2005 has to be regularized has also been passed. Thus according to the review applicants, this part of the finding in Para No. 11 of the judgment dated 17.07.2009 is required to be modified so that a fresh orders can be passed in conformity with the observations/finding recorded in Para No. 10 & 11 of the judgment. Since the factum of conclusion of disciplinary proceedings and passing




of the order as to how the period of suspension has to be regularized and as how the absence of applicant for the period with effect from 17.03.2005 to 30.06.2005 is to be treated was not brought to the notice of this Tribunal, as such the aforesaid finding was recorded by this Tribunal.

2. In view of what has been stated above, we of the view that the review applicants have made out a case for reviewing the order dated 17.07.2009 passed in OA No. 398/2005. Accordingly, the order dated 17.07.2009 shall stand reviewed/clarified to the extent that the respondents shall proceed further in the matter in the light of the stand taken by them in Para No. 6, 7 and 8 of the Review Application and pass appropriate orders.

3. With these observations, the Review Application shall stands disposed of. Need less to add that such exercise shall be done by the Review applicants expeditiously and in any case within a period of one month from the date of receipt of a copy of this order.

4. In view of the order passed in Review Application, no order is required to be passed in MA No. 383/2009, which is also disposed of accordingly.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

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