

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH

Review Application No. 34 of 2004

{Arising out of Order dated 10 FEB 2004 delivered on 01 MAR 2004
in OA NO. 506 of 2001}

C.N. Sonwane
Retired Postal Assistant
City Post Office Jabalpur
resident of Ward No. 4
behind Paras Poha Mill
Kosmi,
BALAGHAT {MP}

..... Applicant

v/s

1 Union of India
through the Secretary
Government of India
{President of India }
Ministry of Communications
Department of Posts
Dak Bhawan Sansad Marg
NEW DELHI -110001

2 The Director General of Post Offices
Sansad Marg
NEW DELHI

3 Chief Post Master General
Chattisgarh Circle
RAIPUR

4 Senior Superintendent of Post Offices
Jabalpur Region
JABALPUR

..... Respondents

APPLICATION FOR REVIEW UNDER RULE 17 OF CAT
{PROCEDURE} RULES, 1987

The applicant makes respectful submission that he has perused the contents of the order dated 10 FEB 2004 passed by this Hon'ble Tribunal in OA No. 506 of 2001, a copy of which is annexed as RA-1. The order ibid needs to be reviewed on the following facts and grounds. -:



Presented on 01/04/2004
by Sh. B.C. Nag
Pa. Sonwane, dependent
time 1:30
Receptionist

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES

REPORT OF THE
COMMISSION ON THE ORGANIZATION
OF THE DIVISION OF THE PHYSICAL SCIENCES
FOR THE YEAR 1961-1962

PRESENTED TO THE BOARD OF THE DIVISION OF THE PHYSICAL SCIENCES
AT THE MEETING OF THE BOARD HELD AT CHICAGO, ILLINOIS, ON MAY 15, 1962

BY THE COMMISSIONERS
J. R. KIRK
J. D. COLEMAN

CHICAGO, ILLINOIS
MAY 15, 1962

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
CHICAGO, ILLINOIS

THE COMMISSIONERS OF THE DIVISION OF THE PHYSICAL SCIENCES
WISH TO EXPRESS THEIR APPRECIATION OF THE
VALUABLE CONTRIBUTIONS OF THE
MEMBERS OF THE BOARD OF THE DIVISION OF THE PHYSICAL SCIENCES
DURING THE YEAR 1961-1962.

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FACTS

1 This Hon'ble Tribunal has committed error apparent on the face of the record that Shri S.C Maravi was a main offender and the applicant was implicated as a Co-offender and accordingly he was convicted for four years RI and fine amounting to Rs. 14,000/=, which he has already undergone and suffered and consequently he is out of the Jail and free from punishments.

2 That the applicant is governed by Rule 69 of CCS {Pension} Rules, 1972 and accordingly he is entitled for provisional Pension during the pendency of the Criminal Appeal No 3083/1998 in the High Court of Judicature at Jabalpur . Therefore, the applicant cannot be punished twice for the same offence. In other words, the applicant has already undergone four years RI and paid Rs. 14,000/= and therefore another punishment of stopping his pension and gratuity permanently will be "double jeopardy", which is also against the spirit of Art. 21 of the Constitution of India, whereunder right of living is a fundamental right.

3 That the Criminal Appeal No. 3083 of 1998 is still pending in the High Court of Judicature at Jabalpur. In this connection, the applicant relies upon the Judgement dated 07 JUL 1993 delivered by Supreme Court of India in case of State of Maharashtra v/s Chandrabhan as reported in AIR 1993 Supreme Court 803, whereunder the Hon'ble Supreme Court has held that Govt. Servant who is convicted by a competent Court and sentenced to imprisonment and whose appeal against the conviction and sentence is pending is void as it offends Art. 14, 16, 21 and also 311 {2} of the Constitution of India.

4 It is pertinent to mention that the applicant was never suspended before conviction nor thereafter .



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GROUND

1 The applicant relies upon Rule 69 of CCS {Pension} Rules, 1972, which authorises payment of provisional pension, where judicial proceeding are pending. It is pertinent to mention that the criminal appeal No. 3083 of 1998 is still pending in the High Court of Judicature at Jabalpur.

2 No person can be punished twice towards the same offence. It is pertinent to mention that the applicant has already suffered 4 years RI and fine amounting Rs. 14,000/= as per special Case No. 24/94 as filed by the CBI, Jabalpur. It is also pertinent to mention that even after having gone through and suffered this sentence and fine, denial of provisional pension during pendency of the Criminal Appeal as aforesaid is not justified in the interest of Justice.

PRAYER

In view of the facts and grounds as brought out hereinabove, this Hon'ble Tribunal may kindly be pleased to call for the aforesaid order and suitable directions may kindly be issued to the respondents to consider payment of provisional pension and 50 percent of gratuity under Rule 69 of CCS {Pension} Rules, 1972 pending criminal Appeal No. 3083 of 1998, a copy of which is annexed as RA-2.

VERIFICATION

I, Champeshwar age 66 years son of late Shri Nathusao Sonwane retired on superannuation with effect from 31 AUG 1995 from the post of Postal Assistant while working in City Post Office, Jabalpur {MP} and residing at Ward No. 4 behind Paras Poha Mill, Kosmi, Balagat {MP}, do hereby verify that the contents of this application from para 1 to are true to my personal knowledge and information received.

Jabalpur

Date 31 MAR 2004

Applicant

{Champeshwar Sonwane}

Counsels for applicant

Advocate for
Jabalpur (M.P.)
L-5, HATHITAL COLONY
ADVOCATE-HIGH COURT
JABALPUR (M.P.)
B.L. NAG MA - LB

applicant

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JABALPUR (M.P.)
Phone No.