

CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH, GWALIOR

Original Application No. 212 of 2003

Gwalior, this the 16th day of July 2003

Hon'ble Shri Kuldip Singh, Judicial Member
Hon'ble Shri Anand Kumar Bhatt, Administrative Member

Maharaj Singh Mahor, S/o. Ramdayal
Postal Assistant, R/o. Melaground
Dullpur Thatipur, Morar Gwalior.

.... Applicant

(By Advocate - Shri B.D. Kargaiyan)

V e r s u s

Union of India through,

1. The Secretary, Ministry of
Communications, Dak Bhawan,
New Delhi.
2. Chief Principal Postmaster
General, M.P. Circle, Bhopal.
3. The Senior Superintendent of Post
Offices Gwalior Division, Gwalior-6

.... Respondents

O R D E R (Oral)

By Kuldip Singh, Judicial Member -

The learned counsel for the applicant in this original application prays for direction to be given to the respondents to forward the review Petition Annexure A/6 of the applicant to the President of India under Rule 29-A of CCS(CCA) Rules, 1965.

2. The facts in brief are that the applicant was proceeded departmentally and the applicant was punished with the penalty of reduction in pay by 9 stages for a period of 10 years. The applicant submitted a Revision/review petition before the President of India which was decided and was rejected. Thereafter the applicant submitted that he had a

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right to file further review petition to the President of India under Rule 29-A of CCS (CCA) Rules. He filed the same and which has yet not been decided.

3. On the contrary the respondents have pleaded that the order passed by the President is the same passed under Rule 29-A, as per communication addressed to the National Commission for Scheduled Castes and Scheduled Tribes.

4. We have heard the learned counsel for the applicant and have perused the earlier revision/review petition submitted by the applicant to the President of India vide Annexure A/4 and had also considered the alleged review petition filed under Rule 29-A of CCS (CCA) Rules. Rule 29-A of CCS (CCA) Rules provides as such :

"The President may, at any time, either on his own motion or otherwise review any order passed under these rules, when any new material or evidence which could not be produced or was not available at the time of passing the order under review and which has the effect of changing the nature of the case, has come, or has been brought, to his notice :

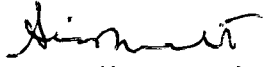
Provided that....."

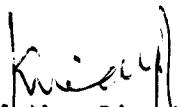
The aforesaid rule itself provides that the President may, at any time either on his own motion or otherwise review any order passed under these rules, when any new material or evidence which could not be produced or was not available at the time of passing the order under review and which has the effect of changing the nature of the case has come or has been brought to his notice.

5. Thus the perusal of this provision makes it clear that the power of review under Rule 29-A of CCS (CCA) Rules is only to the extent if some new material is to be brought to the notice of the authorities, which was not available at the time of passing the earlier order before calling the President under Rule 29-A of CCS (CCA) Rules. Thus we find

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that no substantial new material has been brought on record which could be forwarded to the President of India for review of its order. Besides that the Department has already taken a stand that the order passed by the President in the earlier mercy-cum-review petition of the applicant is to be treated as the same has been passed under Rule 29-A itself. So we find that none of the grounds urged by the applicant has any force to call for interference by this Tribunal. In the result the OA has not merit and the same is dismissed.

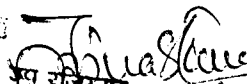

(Anand Kumar Bhatt)
Administrative Member


(Kuldip Singh)
Judicial Member

"SA"

पृथक्कन सं ले/न्या.....जबलपुर, दि.....
पत्तिविधि अच्येयित:-

- (1) सविन, उच्च न्यायालय वाट पार्श्वी, जबलपुर
- (2) सविन, उच्च न्यायालय वाट पार्श्वी, जबलपुर
- (3) सविन, उच्च न्यायालय वाट पार्श्वी, जबलपुर
- (4) सविन, उच्च न्यायालय वाट पार्श्वी, जबलपुर


22/7/03

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