

**Central Administrative Tribunal
Principal Bench**

RA No.237/2016

In

O.A.No.666/2013

New Delhi, this the 8th day of August, 2017

Hon'ble Shri V. Ajay Kumar, Member (J)
Hon'ble Ms. Nita Chowdhury, Member (A)

Sri Madan Lal Arora
S/o Late (Sh.) Sita Ram
Ex. Sr. Section Engineer (Diesel)
Northern Railway Headquarters
Baroda House, New Delhi
R/o House No.548, Sector-37
Faridabad -121003 (Haryana)

...Applicant

(By Advocate: Ms. Meenu Mainee)

Versus

Union of India through

1. Secretary Railway Board,
Ministry of Railways,
Rail Bhawan
New Delhi.
2. General Manager
Northern Railway Headquarters
Baroda House
New Delhi.
3. Chief – Motive Power (Diesel)
Northern Railway Headquarters
Baroda House
New Delhi.

...Respondents

(By Advocate: Shri Shailendra Tiwary)

ORDER (ORAL)**Mr. V. Ajay Kumar, Member (J) :**

Heard the learned counsel for the parties.

2. The OA No.666/2013 filed by the applicant was allowed on 05.09.2016 as under :-

“18. In view of the well settled law of the Hon’ble Apex Court, and for the reasons mentioned above, the OA is allowed and the impugned orders are quashed and set aside. The applicant is permitted to submit his representation/objections if any against the UPSC advice, which was furnished to him along with the penalty order dated 10.04.2013, within four weeks from the date of receipt of a copy of this order, and the disciplinary authority shall pass a speaking and reasoned order in accordance with law, within a reasonable period, preferably within four months therefrom. No costs.

19. In view of the above orders passed in the OA, MA No.1090/2014, for passing interim directions in the matter, is disposed of as having become infructuous. “

3. The learned counsel for review applicant submits that certain orders which were impugned in the OA were not quashed by this Tribunal while disposing of the OA.

4. A bare perusal of the above order dated 05.09.2016 (para 18), in OA No.666/2013 clearly indicates that all the orders impugned by the applicant were quashed while allowing the OA. The submission of the learned counsel for applicant is that a particular

order dated 30.04.2012 was not quashed. This arguments is untenable and unsustainable as the respondents themselves stated that the said order has already been superseded by another order dated 10.04.2013 and this fact was recorded by the Tribunal while allowing the OA. The relevant para 11 of the order dated 05.09.2016, is reproduced below:-

“11. In view of the submissions of the learned counsel for the respondents and of the averments made in the reply of the respondents, the Order dated 30.04.2012 imposing the penalty of compulsory retirement on the applicant, after the date of his retirement, was a mistake and the said order superseded by the Order dated 10.04.2013, whereunder a penalty of 10% cut for three years was imposed on the applicant, the only Order of which the validity is to be examined is order dated 10.04.2013. Hence, the grounds/averments raised in respect of the order dated 30.04.2012 need not be considered.”

5. In the circumstances and for the aforesaid reasons, we do not find any merit in the review application and the same is dismissed with cost of Rs.5000/- payable to the Delhi Legal Services Authority, within four weeks from today.

(Nita Chowdhury)
Member (A)

(V. Ajay Kumar)
Member (J)

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