

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

R.A. No. 253/2015
O.A. No. 944/2012
M.A. No. 3223/2015

New Delhi, this the 21st day of March, 2016

**HON'BLE MR. P.K. BASU, MEMBER (A)
HON'BLE MR. RAJ VIR SHARMA, MEMBER (J)**

Bal Kishan
Assistant Surveyor of Works (Civil),
Group 'B', Age 52 years,
S/o late Shri Lala Ram,
O/o SE), Metro Circle
Soochna Bhawan, CCW, AIR
New Delhi-110003. .. Applicant

(Original applicant in person)

Versus

1. Union of India
Through its Secretary
Ministry of Information and Broadcasting
A Wing, Shastri Bhawan,
New Delhi-110001.

2. Prasar Bharti,
Through Director General,
All India Radio,
Akashvani Bhawan,
New Delhi-110001 .. Respondents /
Review Applicants

(By Advocate : Shri Rajeev Sharma)

ORDER (Oral)**Mr. P.K. Basu, Member (A)**

Heard both the sides.

2. This Review Application has been filed by the respondents primarily pointing out that in para 11 of this Tribunal's order dated 12.03.2014, both the Disciplinary Authority order dated 04.07.2008 as well as the Appellate Authority order dated 04.01.2012 were set aside, with a direction to recommence the proceedings from the stage the UPSC advise was received.

3. It is pointed out by the learned counsel for the respondents that the UPSC advise was received after passing of the order of the Disciplinary Authority, i.e. on 21.07.2011. It is, therefore, argued that the error that has crept in the aforesaid order is that whereas the order of the Appellate Authority dated 04.01.2012 was to be set aside as only that depended on the UPSC advise, the order of the Disciplinary Authority dated 04.07.2008 was also set aside, which was not depending on the UPSC advise.

4. Per contra, the applicant's argument is that he has already filed a representation dated 14/15.05.2015 against the UPSC advise and that should be disposed of as

implementation of the order dated 04.07.2008 would adversely affect him.

5. It is to be noted that the Appellate Authority had reduced the penalty from three stages to one stage. We are persuaded by the argument of the learned counsel for the respondents. Accordingly, the Review Application is allowed and the order dated 12.03.2014 is corrected to the extent that the order dated 04.01.2012 alone is set aside and not the order dated 04.07.2008. However, keeping in view the protracted proceedings, we direct the Appellate Authority, at the same time, to dispose of the representation dated 14/15.05.2015 of the applicant against the UPSC advise within a period of one month from the date of receipt of a copy of this order.

(RAJ VIR SHARMA)
Member (J)

(P.K. BASU)
Member (A)

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