

Central Administrative Tribunal
Principal Bench
New Delhi

R.A.No.6/2017
M.A.No.90/2017
in
O.A.No.4093/2016

New Delhi, this the 30th day of January, 2017

Hon'ble Shri V. Ajay Kumar, Member (J)
Hon'ble Shri Uday Kumar Varma, Member (A)

1. Sh. Virender Sharma, Group 'B'
Presently posted as PAO (DMS), Office of CC
Sh. Rajkumar Sharma
Aged about 48 years
C/o Sh. Santhosh Kumar
R/o 173, Sector 3
Pushp Vihar, New Delhi – 110 017.
2. Sh. Sunil Kumar, Group 'B'
Presently posted at New & Renewable Energy,
Office of CCA, CGO Complex
S/o Sh. Ram Prashad Gain
Aged about 44 years
C/o Sh. Santhosh Kumar
R/o 173, Sector-3, Pushp Vihar,
New Delhi – 110 017.
3. Sh. C. Maheshwaran, Group 'A'
Presently posted as Controller of Accounts,
Ministry of Power
S/o Sh. R. Chinnusamy
Aged about 43 years
C/o Sh. Santhosh Kumar
R/o 173, Sector 3, Pushp Vihar,
New Delhi – 110 017. Applicants

Versus

Controller General of Accounts
 Office of Controller General of Accounts
 Mahalekha Niyantark Bhawan
 Block 'E', GPO Complex
 INA, New Delhi – 110 023. ... Respondent

O R D E R (By Circulation)

By V. Ajay Kumar, Member (J):

M.A.No.90/2017:

This MA has been filed, seeking exemption from filing a certified copy of the Tribunal's Order dated 16.12.2016 in OA No.4093/2016. For the reasons stated therein, the MA is allowed.

R.A.No.6/2017:

2. The applicants, who are working as PAO (DMS), Assistant Accounts Officer and Controller of Accounts respectively, filed the OA No.4093/2016, seeking the following relief(s):

"8.1 Set aside the impugned orders at **Annexure A-1 (Colly.)** and direct the respondent to furnish the applicants documents sought for in their interim response with further extension of thirty days time to file appropriate response to the memoranda dated 24.11.2016; and

8.2 Any other relief which this Hon'ble Tribunal may deem fit and appropriate, in the circumstances of the case."

3. The said OA was dismissed by this Tribunal, vide its Order dated 16.12.2016, and the relevant paras of which read, as under:

"13. At this stage, the respondents have neither issued any Charge Memorandum under the provisions of the CCS (CCA) Rules, 1965 nor initiated any departmental inquiry against the applicants. The impugned order is of the nature of an administrative directions and not a document issued under any statutory rule. The respondents are still at the fact finding stage.

14. The applicant also failed to show any special circumstances or grounds which warrant the interference of this Tribunal at the present stage of Show Cause Notice.

15. In the circumstances and in view of the aforesaid settled principles of law, the OA is dismissed as premature. No costs."

4. The applicants filed the present RA, seeking the following prayer:-

".... review its order dated 16.12.2016 by recalling the order and to restore the OA to its original position. It is further prayed, to issue notice to the respondent and meanwhile stay any further action on the impugned memorandum dated 24.11.2016 by restraining the respondent.

Any other relief or further relief which his Hon'ble Court deems fit and proper in the circumstances may also be granted in favour of the applicant."

5. We have perused the contents of the RA and also our Order dated 16.12.2016 and we are of the considered view that the applicants failed to point out any error apparent on the face of the record of the OA order. The applicants are trying to re-argue the OA, on merits, under the guise of filing the present Review Application, which is not permissible.

6. In view of the above, the RA is dismissed. No costs.

(Uday Kumar Varma)
Member (A)

(V. Ajay Kumar)
Member (J)

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