

Central Administrative Tribunal  
Principal Bench  
New Delhi

R.A.No.304/2016  
in  
O.A.No.376/2013

New Delhi, this the 16th day of January, 2017

**Hon'ble Shri V. Ajay Kumar, Member (J)**  
**Hon'ble Shri K.N.Shrivastava, Member (A)**

Ms. Neelam Malhotra,  
W/o Sh. Shushil Kumar Malhotra  
H.No.J-73, GF, Vikaspuri  
New Delhi – 110 018. ... Applicant

Versus

1. Union of India through  
The Secretary  
Ministry of Labour & Employment  
Shram Shakti Bhawan, Rafi Marg  
New Delhi – 110 001. .. Respondent No.1
2. Presiding Officer (Dr. R.K.Yadav)  
CGIT cum Labour Court No.1  
Room No.38, Karkardooma Courts  
Shahdra, Delhi – 110 032. .. Respondent No.2

**ORDER (By Circulation)**

**By V. Ajay Kumar, Member (J):**

The applicant filed OA No.376/2013, questioning the Appellate Order dated 23.01.2011/23.01.2012, whereunder the disciplinary order of dismissal was set aside and ordered to recover the purported loss of Rs.1378/- from the applicant and in imposing a penalty of reduction of pay by three stages in the time scale of pay for a period

of 5 years with further direction that the applicant will not earn increment during the period of reduction and the reduction will not have effect of postponing the future increments of her pay after expiry of the period of five years.

2. The relief(s) prayed in the OA are as under:

"(a) Direct the Respondent to amend the Order 23-01-2011 by removing "The undersigned further concludes that ends of justice will be met if recovery is made of the purported loss of Rs.1378/- caused by Smt. Neelam Malhotra, LDC, CGIT-cum Labour Court No.1, Delhi from her and a penalty of reduction of pay by 3 stages in the time scale of pay for a period of 5 years, with further direction that Smt. Neelam Malhotra will not earn increment during the period of reduction and the reduction will not have effect of postponing the future increments of her pay after expiry of the period of 5 yrs" words/lines mentioned at page 6 (last 3 lines) & at page 7 (top 4 lines) from the impugned order dt.23.1.2011.

(b) Respondent No.1 be directed to take action against Respondent No.2.

(c) Direct the Respondents to pay the difference of salaries from the date of suspension i.e. 30-07-10 to till date along with 12% interest of unpaid amount within one month.

(d) pass any other order(s) as deemed fit & proper in the facts and circumstances of the case."

3. The said OA was allowed by this Tribunal, along with other two OAs filed by the applicant, vide its Order dated 28.11.2016, and the operative part of which reads as under:

"17. In the circumstances and for the aforesaid reasons, the OA No.376/2013 is allowed. The impugned order dated 23.01.2011/23.01.2012 is quashed and set aside and the respondents are directed to proceed with the charge memorandum dated 01.09.2010, from the stage of conducting fresh inquiry and to pass appropriate disciplinary orders, by a competent authority other than the 2nd Respondent- Dr.R.K.Yadav, in accordance with law. This exercise shall be completed within four months from the date of receipt of a copy of this order. The benefits, if any, consequential to the quashing of the order dated 23.01.2011/23.01.2012, are dependent on the fresh disciplinary orders to be passed as above. It is needless to mention that the applicant shall co-operate with the inquiring authority in order to complete the inquiry, as per the time fixed as above. No costs."

4. The applicant filed the present RA, seeking the following reliefs:-

"A) the R.A. be allowed, in the interest of justice.

b) the impugned judgment dated 28-11-2016 be set aside and as a consequential relief the prayer of the applicant in OA be allowed by quashing and set aside the impugned charge sheet.

c) Inquiry and impugned judgement dated 28-11-2016 be kept in abeyance till final outcome of the RA.

d) pass any such other further order as this Hon'ble Tribunal may deem fit and proper in the above noted facts and circumstances of the case."

5. The applicant failed to point out any error apparent on the face of the record of the OA order. This Tribunal, in fact, granted the main relief (a) of the OA by quashing the impugned order dated 23.01.2011. The applicant is trying to re-argue the OA, on merits, under the guise of the present Review Application.

6. Further, a perusal of the prayer made in the OA, as extracted above, indubitably indicate that the applicant has not questioned the charge memorandum dated 01.09.2010, in pursuance of which the applicant was awarded the above referred punishment. The applicant, by way of the present RA, has not only sought setting aside the order dated 28.11.2016 passed in the OA but has also sought quashing and setting aside of the chargesheet itself. Nowhere in the Review Application, the applicant has given any reason as to how he can add new reliefs in the RA, which were not part of the OA reliefs. In the circumstances, the RA is dismissed. No costs.

(K. N. Shrivastava)  
Member (A)

(V. Ajay Kumar)  
Member (J)