

**Central Administrative Tribunal
Principal Bench**

OA No.574/2014

New Delhi this the 28th day of March, 2018

**Hon'ble Sh. Raj Vir Sharma , Member (J)
Hon'ble Ms. Praveen Mahajan, Member (A)**

PN 8179, S.R. Bhat, Ex-UDC, AGED, 44 years
Canteen Stores Department
R-10/C, Old Uttam Nagar,
New Delhi-110059.

..... Applicant

(By Advocate : Sh. E.J. Verghese)

Versus

1. Union of India through the Secretary
Ministry of Defence
South Block
Govt. of India
New Delhi-110011
2. The Quarter Master General
Army HQRS
Sena Bhawan
New Delhi-110011
3. The General Manager, CSD
119, M.K. Road, Adelphy
Mumbai-400020
4. The Joint General Manager
CSD Adelphy
119, M.K. Road, Mumbai-400020
5. Shri J.N. Kar, Officiating DGM, P&A
CSD
119, M.K. Road, Mumbai-400020
Resident of
Bulantia Hera Nandini Road
Bunder Road
Thane, Mumbai (West)
Mumbai-400607

.... Respondents

(By Advocate : Sh. Rajinder Nischal)

ORDER (ORAL)**By Hon'ble Mr. Raj Vir Sharma, Member(J)**

The applicant has filed this OA with the following reliefs :-

- (a) Allow the Application of the Applicant under Section 19 of the Administrative Tribunals Act 1985 with interest.
- (b) Quash and set aside the orders dated 11/1/2010, 8/6/2010 & 22/11/2013
- (c) Direct the respondents to institute an inquiry against the Account Holder/Area Manager, J.N. Kar, who signed the 7 cheques.
- (d) Grant the cost
- (e) Any other relief, if any, this Honourable Tribunal deems fit and proper in the facts and circumstances of the case.

2. Heard the learned counsel for the parties. At the very outset, learned counsel for the applicant submitted that the order dated 22.11.2013 passed in the Revision Petition has been passed by an incompetent authority. The appeal was decided by Sr. Officer than the Revisionary Authority.

3. We have perused the record. It is revealed that appeal of the applicant was decided by Mr. R Suresh (Major General) being the Appellate Authority. Thereafter the Revision preferred by the applicant was decided by Mr. Mukesh Kumar, Brigadier, Officiating General Manager in the capacity of Revisionary Authority. Respondents in their counter reply have not answered this fact but they have not disputed the fact that Mr. Mukesh Kumar, Brigadier, Officiating General Manager, was a Subordinate Officer of the Appellate Authority, Mr. R. Suresh, Major General, General

Manager. Therefore, the order passed by the revisionary authority dated 22.11.2013 is bad in law and thus quashed and set aside. We direct the respondents to decide the revision petition of the applicant by a reasoned and speaking order by a competent authority.

4. OA is accordingly partly allowed. No costs.

(Praveen Mahajan)
Member (A)

(Raj Vir Sharma)
Member(J)

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