

**Central Administrative Tribunal  
Principal Bench**

**OA No.574/2014**

New Delhi this the 28<sup>th</sup> 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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