

OA.No.170/00459/2018/CAT/Bangalore Bench
**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

ORIGINAL APPLICATION NO.170/00459/2018

DATED THIS THE 24th DAY OF AUGUST, 2018

HON'BLE DR.K.B.SURESH, MEMBER (J)

HON'BLE SHRI C.V.SANKAR, MEMBER (A)

C.Raveendran
S/o. M.Kannan
Aged 58 years
Working as Principal
Central School of Tibetans
Mundgod
Karwar District-581 411.

...Applicant

(By Advocate Sri A.R.Holla)

Vs.

1. Union of India
By Secretary
Ministry of Human Resource Development
Department of School Education & Literacy
Shastri Bhavan 'C' Wing
New Delhi-110 001.
2. The Chairman
Central Tibetans Schools Administration &
Joint Secretary, Government of India
Ministry of Human Resource Development
Department of School Education and Literacy
Shastri Bhavan 'C' Wing
New Delhi-110 001.
3. The Director
Central Tibetans Schools Administration
Ministry of Human Resource Development
Department of School Administration & Literacy
ESS Plaza, Community Centre
Sector-3, Rohini, Delhi-110 085.

...Respondents

(By Advocates Shri M.Vasudeva Rao and Shri S.Sugumaran)

ORDER (ORAL)

(PER HON'BLE DR.K.B.SURESH, MEMBER (JUDL.))

Heard. The Disciplinary Authority has passed an order in favour of the applicant exonerating him on 15.10.2014. The Higher Authority on 26.04.2018 more than 3 ½ years later takes up suo motu revision. The applicant challenges on the ground that after 6 months such review will not lie.

2. Shri Rao, Learned Counsel for the respondents would say that under the amended 29 A of the CCS(CCA) Rules, the President may make an order for review at any time.
3. But then the Hon'ble Apex Court in Union of India & Others V/s Vikrambhai Maganbhai Chaudhari reported in SLJ 2011(3) SC 70 has acknowledged that the time limit of 6 months must apply to revision by any authority other than Appellate Authority also given in clause 29(1) (vi) of CCS(CCA) Rules.
4. The Learned Counsel for the respondents would say that Annexure-A7 is only a show cause notice. But then the show cause is the beginning of the proceedings. If the beginning cannot be made then the show cause also will not lie under the above mentioned Supreme Court judgments. Therefore, there is no merit in the contentions of the respondents. They will not have the power to suo motu review after six months. The OA is allowed. All the proceedings are quashed. No costs.

(C.V.SANKAR)
MEMBER (A)

(DR.K.B.SURESH)
MEMBER (J)

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Annexures referred to by the applicant in OA.No.170/00459/2018

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Annexure-A1: Copy of the order dtd.22.08.2013 in OA.No.177 of 2013

Annexure-A2: Copy of the order dtd.15.10.2014

Annexure-A3: Copy of the order dtd.26.04.2017

Annexure-A4: Copy of the note dtd.11.05.2017

Annexure-A5: Copy of applicant's reply dtd.16.08.2017

Annexure-A6: Copy of the order dtd.12.02.2018

Annexure-A7: Copy of the memorandum dtd.26.04.2018

Annexures with reply statement:

-NIL-
