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Court : Central Administrative Tribunal CAT Ernakulam

Decided On : Nov-04-2009

Judge : Honourable Dr. K.B.S. Rajan, Judicial Member & Honourable Mr. K.George Joseph, Administrative Member

Appeal No. : Review Application No. 47 of 2009 in Original Application No. 789 OF 2003

Appellant : The Postmaster General

Respondent : P.V. Mohandas, S/O. P.V. Vava, Retired Assistant Superintendent of Post Offices, Ernakulam and Other

Advocate for Pet/Ap. : For the Appearing Parties: Mr. S. Abhilash, Advocate.

Judgement :

HON'BLE DR. K B S RAJAN, JUDICIAL MEMBER

This Review Application has been filed by the respondent No. 4 in the OA seeking review of the order at Annexure RA-1 dated 28.07.2009 in the light of Annexure RA-2 amendment to the Schedule of Appointing/Disciplinary/Appellate Authorities in respect of Group 'B' and Group 'C' employees of the Department of Posts. By Annexure RA2, there has been change in the appointing authorities in dealing with disciplinary proceedings. Earlier, in so far as the applicant is concerned, it is the

Postmaster General who was the Appellate Authority and the Chief Postmaster General was the Reviewing Authority. With the RA-2 amendment, the Appellate Authority is Member Postal Services Board and the Disciplinary Authority is Head of Circle.

2. The amendment to the Schedule of Appointing/Disciplinary/ Appellate Authorities in respect of Groups 'B' and 'C' employees was only issued on 12.12.2006, whereas in the instant case, the appellate order came to be passed in 2001. When a direction is issued for review of appellate order, the clock is set back and it is the very same authority (in the instant case, the Postmaster General) who shall act as the Appellate Authority. As such, there is no necessity to pass any order in the light of Annexure RA-2 amendment. The Postmaster General who was arrayed as respondent No. 4 in the O.A. is competent to take necessary action in accordance with the directions given in the order of this Tribunal dated 28.02.2009.

3. With the above observations, the Review Application is disposed of.

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