

②

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

RA-172/2003 in  
MA-1267/2003  
OA-2123/2002

New Delhi this the 24th day of June, 2003.

Hon'ble Sh. Justice V.S. Aggarwal, Chairman  
Hon'ble Sh. S.K. Naik, Member(A)

1. Union of India through  
the General Manager,  
Northern Railway,  
Baroda House,  
New Delhi.
2. The Divl. Railway Manager,  
Northern Railway,  
Moradabad.
3. The Sr.Divl. Commercial Manager,  
Northern Railway,  
DRM's Office,  
Moradabad. .... Review Applicants

(through Sh. B.S. Jain, Advocate)

Versus

Sh. Mukh Ram Singh,  
S/o Sh. Ram Roop,  
Railway Colony,  
Near Pani-Ki-Tanki,  
Budh Bazar,  
Gajraula(UP). .... Respondent

ORDER (ORAL)

Hon'ble Sh. Justice V.S. Aggarwal, Chairman

The respondents seek review of the order passed by the Tribunal dated 12.03.2003. The sum substance of the controversy is in paragraph-12 in which the Tribunal had observed:-

"The disciplinary authority herein simply recorded in the note of disagreement which was communicated that responsibility for proper charge is with the staff. It does not mention at any stage, even briefly, that how the

*ls Ag*

enquiry report is not to be accepted. We are conscious of the fact that such detailed reasoning is not necessary because only a tentative opinion has to be formulated but once the order of the disciplinary authority/note of the disciplinary authority disagreeing with the report does not convey anything to the delinquent, he can reasonably come forward complaining in this regard that fair opportunity to represent has not been awarded. Conscious of this fact, as already referred to above, the disciplinary authority herein added the reason, subsequently by appending to Annexure A-1, imposing the penalty on the applicant. Necessarily, therefore, the impugned order cannot be sustained."

2. On <sup>this</sup> short ground the order was quashed but nothing was said on the merit of the matter. But we have heard the learned counsel for the respondents. The scope of review is limited. It is not rehearing of the matter. It can only be considered if there is an error apparent on the face of the record. The same is not present in the present case. The petition must fail.

S. K. Naik  
(S.K. Naik)  
Member(A)

V. S. Aggarwal  
(V.S. Aggarwal)  
Chairman

C /vv/