

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

R.A. NO.175/2003
in
O.A. NO.219/2002

This the 30th day of July, 2004

HON'BLE SHRI V.K.MAJOTRA, VICE-CHAIRMAN (A)

HON'BLE SHRI SHANKER RAJU, MEMBER (J)

Govt. of NCT of Delhi & Ors.

... Applicants

(By Ms. Renu George, Advocate)

-versus-

Narotilal

... Respondent

O R D E R

Hon'ble Shri V.K.Majotra, V.C.(A) :

OA No.219/2002 was disposed of vide order dated
7.10.2002 with the following observations/directions :

"5. We have considered the arguments advanced by the learned counsel for the applicant and we find force in the same. In view of this position and having regard to the judgements referred to above, the present OA is allowed and the impugned orders are quashed and set aside. The respondents are directed to supply copies of the documents as requested by the applicant vide letter dated 7.7.97. The case of the applicant is remitted back to the DA to hold inquiry from the stage the applicant demanded the report of the preliminary enquiry and other relied upon documents. The OA is disposed of in the aforesaid terms. No costs."

Through the present application, respondents in the OA have sought review of these orders.

2. The learned counsel of review applicants stated that observations and directions of the Court were result of misrepresentation of facts by the applicant in the OA

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that certain documents, such as preliminary enquiry report and other relied upon documents were not supplied to him during the enquiry proceedings.

3. The learned counsel stated that applicant had been supplied copies of the documents stated above and as such, Tribunal's orders should be reviewed.

4. We have gone through the records carefully. It is observed that respondents in the OA had not denied the averment of the applicant in the OA that he had not been supplied the statements of the witnesses recorded in the preliminary enquiry as well as the preliminary enquiry report. Neither any such contention that applicant had been supplied copy of the preliminary enquiry report ^{by and that} the statements of the witnesses taken in the preliminary enquiry behind the back of the applicant were supplied to him ^{It was raised at the time of arguments}. As such no error of fact or law has been committed by the Court in its orders. Respondents in the OA, at this stage, cannot be allowed to turn around and take an entirely different ^{stance} that adopted at the time of filing counter affidavit and submitting arguments in the case.

5. It is further observed that respondents have filed this Review Application much beyond the prescribed time limit. They have not properly explained the inordinate delay in filing the Review Application. The application for condonation of delay could have been considered in the affirmative provided that there was any substance on merit in the R.A.

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6. There is no merit in the R.A. as discussed above and the same is dismissed.

7. M.A.No.1412/2004 also stands disposed of.

S. Raju
(Shanker Raju)
Member (J)

V. K. Majotra
(V. K. Majotra)
Vice-Chairman (A)

30.7.04

/as/