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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

RA No.275/2003 in
OA No.2468/2002

New Delhi this the 22nd day of September, 2003.

HON'BLE MR. SHANKER RAJU, MEMBER (JUDICIAL)

R.S. VERMA ...Applicant

(By Advocate - None)

-Versus-

Union of India & Others ...Respondents

O R D E R (ORAL)

By Mr. Shanker Raju, Member (J):

Applicant, an Executive Engineer filed OA-2648/2002 before this Court, challenging imposition of punishment as well as denial of promotion.

2. By an order dated 8.7.2003 in so far as challenge to the punishment imposed is concerned, the Tribunal after dealing with the contentions of applicant held that "there is no ground to assail either the disciplinary order or the appellate order either on ground of illegality or that of harshness of penalty."

3. Regarding the prayer for promotion is concerned, the case of applicant was placed under sealed cover in the DPC held in July, 1995, which was found to be in accordance with the DoPT's OM dated 14.9.1992. This has been on the basis of para-7 of the OM ibid where even after approval by the DPC for promotion if a chargesheet is issued before actual promotion the matter would be placed under sealed cover. In this view of the matter the contention of applicant was turned down as well as his relief for promotion.

4. As none appeared for review applicant, even on the second call, RA is disposed of in terms of Rule 15

of the Central Administrative Tribunal (Procedure) Rules, 1987.

5. In the present RA applicant has taken the plea that he has not been supplied with the copy of the PE report as well as CVC's advice, principles of natural justice have been violated and he has been punished on a charge of preparing the estimate of Rs.44,750/- which he has never prepared during the year 1982-1983 or thereafter. It is also contended in the RA that there is an error apparent on the face of record where the observation has been made that applicant must have prepared the estimate and given all opportunity.

6. The scope and ambit of review is very limited. If there is an error apparent on the face of record or discovery of new material, only then the review is to be entertained. Review cannot be resorted to under the guise of re-agitating or re-arguing the matter as if in appeal.

7. As the contentions put-forth by applicant had already been meticulously considered in the OA, taking all those contentions again in the RA cannot be justified, as held by the Apex Court in Chandra Kanta & Anr. v. Sheik Habib, AIR 1975 SC 1500 as well as in K. Ajit Babu & Ors. v. Union of India & Ors., 1998 (1) SLJ 85 (SC). Accordingly, the RA is dismissed.

S. Raju
(Shanker Raju)
Member (J)

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