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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

R.A.No.238 of 2003
In
O.A.No.444/2002

New Delhi, this the 25th day of August, 2003.

HON'BLE SHRI R.K. UPADHYAYA, ADMINISTRATIVE MEMBER

Sunil Kumar Sinha

...Applicant.

Versus

Union of India
through

1. Secretary,
Ministry of Home Affairs,
Govt. of India,
North Block,
New Delhi.
2. Director,
Intelligence Bureau,
Ministry of Home Affairs,
Govt. of India,
35, SP Marg,
New Delhi.
3. Shri A. Muthugamy,
Addl. Deputy Director (Estt.),
C/o Director,
Intelligence Bureau,
(Respondent No.2)
4. Shri P.L.Kher,
Asstt. Director (Since retired),
C/o Director,
Intelligence Bureau,
(Respondent No.2)

.... Respondents

ORDER (BY CIRCULATION)

Shri R.K.Upadhyaya, Administrative Member

This review application under section 22(3) (f) of the Administrative Tribunals Act, 1985 is directed against the order of this Tribunal dated 30.6.2003 in OA No.444/2002.

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2. The applicant had filed original application against the order dated 13.2.2002 of rejection of his representation (Annexure-A) and order dated 13.2.2002(Annexure-B) relieving the applicant w.e.f. 20.2.2002 with a direction to join at Jaipur in pursuance to the order of transfer dated 24.2.2001. That original application No.444/2002 was dismissed on 30.6.2003 for the reasons recorded therein.

3. In the present application for review, the applicant has himself pointed out the scope of the review application on the following grounds:

- (1) Error apparent on the face of the record;
- (ii) Discovery of any new document or information which was not in possession of the applicant at the time of hearing despite due diligence; and
- (iii) Any matter analogous to the above two.

4. The applicant alleges as many as five grounds for review of the order being errors apparent on the face of record. The applicant stated that he wanted an adjournment but the same was not allowed. This constituted first error apparent on the face of record. The second "grave error apparent on record" is that Respondents No.3 and 4 were to be impleaded in person to call for relevant records to substantiate the bias and malafide but the same was not produced by the respondents. The third error pointed out by the applicant is lack of mention of relevant documents. The fourth and "a formidable error apparent on record" is that the instances of malice, malafide, bias etc. have not been discussed in the said order. The applicant has alleged fifth

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and "important error" in not considering certain documents including answers given to the questions raised in the parliament. The applicant has annexed some documents with the review application in support of his claims.

5. The allegations and contentions, raised in the review application are far from the truth and not based on the facts as contained in the office record. In pursuance to his transfer order dated 24.2.2001, the applicant was relieved from New Delhi with a direction to join at Jaipur with effect from 20.2.2002 as per directions dated 13.2.2002 (Annexure-B). However, this order, along with order dated 13.2.2002 (Annexure-A), was stayed by this Tribunal by order dated 19.2.2002 when this original application was filed.

6. By an order dated 5.3.2002, the applicant was allowed time to file rejoinder. The respondents had filed short reply on 5.3.2002 and detailed reply on 27.3.2002. The applicant had appeared in person on 10.4.2002. By order dated 29.4.2002, the misc. application of the applicant to implead S/Shri P.L.Kher, and A.Muthusamy was allowed. The applicant had sought several adjournments as could be seen from orders dated 24.10.2002, 7.11.2002, 28.11.2002, 18.12.2002, 16.1.2003, 19.2.2003, 7.4.2003 and 25.6.2003. The hearing on 30.6.2003 was fixed at the request of the applicant. On 30.6.2003, the applicant initially asked for postponement of hearing but later on showed his willingness to argue himself. It was at his request

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that the OA was finally heard and decided after hearing him at considerable length. It is not proper on his part now to allege that he was not granted adjournment and it constituted "error" justifying review of the order. The facts on record suggest that the applicant used to appear in person and used to present his case in the past also. In any case, it calls for no review of the order dated 30.6.2003 which was dictated in the open court in the presence of the parties including the applicant. The other so called "important" and "grave errors" are also misconceived and an effort to re-argue the case by means of this application. There is no personal vendetta of the so-called private respondents against the applicant. The applicant is only trying to find out some pretext or the other for justifying his retention at Delhi. As has been discussed in detail, in the order dated 30.6.2003, the reliefs claimed were not justified. The scope of review under sec.22(3)(f) of the Administrative Tribunals Act,1985 is very limited one as stated in para 3 above. Therefore, this Review Application is rejected at the circulation stage itself.



(R.K. UPADHYAYA)
Administrative Member

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