

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

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R.A. NO.182/2004
in
O.A. NO.445/2002

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-

Shri Ashok Kardam

... Respondent

O R D E R

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

OA-445/2002 was disposed of vide order dated
3.2.2003 with the following observations/directions:-

"6. In the above view of the matter, the OA succeeds and is accordingly disposed of. Impugned orders are by the disciplinary authority's order dated 27.3.2000, appellate authority's order dated 11.4.2001 and the Enquiry Report dated 24.12.1999 are quashed and set aside. Respondents may, if so advised, and if felt necessary, initiate the proceedings once again from the stage at which the supply of documents was refused, rectify the mistake in terms of our findings as above and complete the proceedings in accordance with law. The proceedings, if decided to be initiated, may be set in motion within two months from the date of receipt of a copy of this order. We make it clear that we are not expressing any opinion on the merits of the OA, otherwise. No costs."

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

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(2)

2. The learned counsel of the review applicants stated that the Tribunal had given the directions under consideration as a result of misrepresentation of the facts by the applicant in the OA to the effect ^{that} certain documents, i.e., preliminary enquiry report and other relied upon documents were not supplied/provided to him during the enquiry proceedings. Learned counsel stated that applicant had been provided preliminary enquiry report and listed documents and as such, the Tribunal's orders should be reviewed.

3. The contentions of the respondents made in the OA through their counsel are recorded in paragraph 4 of the Tribunal's order, which reads:-

"4. On the other hand, Smt. Renu George appearing for the respondents contended that in terms of the directions in Vigilance Manual, the respondents were not at all expected to give the copy of the preliminary enquiry report."

4. We have gone through the records carefully. The learned counsel of the respondents in the OA had not stated before the Tribunal that the preliminary enquiry report and other relied upon documents were supplied to the delinquent. The observations/findings/ directions of the Court were made after considering the contentions of the respondents' counsel in the OA that when the respondents in the OA were not expected to rely upon those documents, there was no question of supplying them to the delinquent. Respondents have now turned around and made absolutely different statement ^a than that made at the time of arguments before the Tribunal when the OA was

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(3)

decided. This cannot be allowed. Tribunal has not committed any factual or legal error.

5. In result, this Review Application is dismissed.

S. Raju

(Shanker Raju)
Member (J)

/as/

V. K. Majotra

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

30/7/04