



CENTRAL ADMINISTRATIVE TRIBUNAL,
CHANDIGARH BENCH

R.A.NO.060/00008/2020 in

O.A.NO.060/00513/2019

Decided on: 11th Feb, 2020

HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)
HON'BLE MS. ARCHANA NIGAM, MEMBER (A)

1. U.T. Administration, through Secretary Engineering,
4th Floor, U.T. Secretariat, sector 9, Chandigarh.
2. The Chief Engineer, Union Territory, Chandigarh,
Sector 9, Chandigarh.
3. Estate Officer, UT, Chandigarh, Sector 17,
Chandigarh.
4. Chief Vigilance Officer, UT, Chandigarh, Sector 9,
Chandigarh.
5. The Accountant General (A&E), Union Territory,
Chandigarh, Sector-17, Chandigarh.

... Applicants

Versus

Vinod Kumar Jain S.D.E. (Retd)

S/o Sh. Darshan Kumar Jain,

Age 59 years, R/o H.No. 47, Sector 15, Panchkula

(Haryana) (Group A).

... Respondent



O R D E R (BY CIRCULATION)
HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)

1. The Original Application (O.A) filed by the applicant was allowed and disposed of vide order dated 29.10.2019, holding that departmental proceedings shall be deemed to be instituted on the date on which statement of charges is issued to the officer or pensioner or if the officer has been placed under suspension, from an earlier date on such date and admittedly the applicant had not been issued any charge sheet by the respondents or registered any criminal case, what to talk of framing of charge, on criminal side in the vigilance case and as such respondents could not withhold the amounts of retiral dues / pension, in view of rule 2.2 (b) of the PCS Rules.

2. Now the respondents have filed this R.A. on the ground that in fact a Vigilance Enquiry dated 30.1.2015 was pending at the time of voluntary retirement of the applicant 1.2.2016, which has been converted into FIR on 21.1.2019.

3. The plea taken by the respondents in O.A. for review of the order is irrelevant in view of specific findings recorded by the Court, as noticed above.

4. The pleas raised by respondents do not fall within the limited scope of Order 47 rule 1 CPC. It is now well



settled principle of law that the scope for review is rather limited, and it is not permissible for the Court or Tribunal to act as an Appellate Authority, in respect of the original order by a fresh and re-hearing of the matter, to facilitate a change of opinion on merits. The reliance in this regard is placed on the decisions of the Hon'ble Supreme Court in cases of **PARSION DEVI AND OTHERS VS. SUMITRI DEVI AND OTHERS** (1997) 8 SCC 715 and **GOPAL SINGH VS. STATE CADRE FOREST OFFICERS' ASSOCIATION & OTHERS** (2007) 9 SCC 369.

5. Meaning thereby, an order can only be reviewed if case strictly falls within the pointed domain of Order 47 Rule 1 CPC read with Section 22(3)(f) of the Administrative Tribunals Act, 1985 and not otherwise and perusal of both applications shows that none of the elements which may warrant review in terms of indicated rule formulation, is available in the case in hand. The applicants in R.A have neither pleaded nor urged any error on the face of record warranting review of the order in question, except re-arguing the case all over again and raising speculative grounds which is not permissible.



6. In the wake of aforesaid discussion, the R.A is dismissed, by circulation. Connected M.As, also stand disposed of as such.

(SANJEEV KAUSHIK)
MEMBER (J)

(MS.ARCHANA NIGAM)
MEMBER (A)

Place: Chandigarh
Dated: 11.02.2020

HC*