

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Review Application No.201/00035/2018

(in OA No.201/00799/2012)

Indore, this Friday, the 20th day of March, 2020

HON'BLE MR. NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE MR. RAMESH SINGH THAKUR, JUDICIAL MEMBER



Krishna Murari Bangar, S/o Late Shri Baldeo Prasad Bangar
Aged 66 years, Occupation Retired, Assistant Director
(Chemical)Grade-I, Micro, Small & Medium Enterprises-DI, Indore,
R/o 14-B Shreeji Vatika Pipliyahana,
Indore 452018 (MP)
(By Advocate Shri L.C. Patne) - **Applicant**

V e r s u s

1. The Union of India, Through Secretary to the Government of India, Department of Micro, Small and Medium Enterprises, Ministry of Micro, Small & Medium Enterprises Udyog Bhawan, New Delhi 110108
2. The Development Commissioner, Government of India, Ministry of Micro, Small and Medium Enterprises, 7th Floor, Nirman Bhawan, Maulana Azad Road, New Delhi 110108
3. The Director, Micro, Small and Medium Enterprises Development Institute, Government of India, Ministry of Micro, Small and Medium Enterprises, 10 Pologround Industrial Estate, Indore 452015 (MP)
4. The Director Central Bureau of Investigation, Headquarter Office C.G.O. Complex Lodhi Road, New Delhi.

5. Shri V.P. Sharma, Deputy Director (Chemical) M.S.M.E.
Development Institute, 10 Pologround Industrial Estate,
Indore 452015 (MP)

6. Shri Malik Akramuddin, Deputy Director (Chemical)
Office of the Development Commissioner M.S.M.E.
7th Floor Nirman Bhawan, New Delhi 110108
Through its Secretary, Dholpur House, Shahjhahan Road,
New Delhi-110 069

-Respondents

(By Advocate Shri Kshitij Vyas)

(Date of reserving the order:18.03.2020)



ORDER

By Navin Tandon, AM.

This Application has been filed by the applicant to review the order dated 09.08.2018 (Annexure A-2) passed by this Tribunal in Review Application No.201/00004/2017.

2. We find that aforesaid Review Application No.201/00004/2017 was filed by the applicant to review the order dated 06.10.2015 passed by this Tribunal in Original Application No.799/2012 on the ground that several important facts skipped consideration of this Tribunal while passing the order. The said Review Application was, however, dismissed as withdrawn by the aforesaid order 09.08.2018.

3. In the present Review Application, the applicant has submitted as under:-

3.1 He had also filed another Review Application No.201/00005/2017 against the order dated 06.10.2015 passed in another O.A.No.213/2012.

3.2 During the pendency of aforesaid two Review Applications, an order dated 10.07.2018 had been passed by respondent No.1. Similarly, the CBI had filed report against the applicant dated 27.11.2012 stating that no official case was pending against the applicant. Both these documents were relevant only for Review Application No.201/00005/2017. Accordingly, an application was filed on 06.08.2018 and by an order dated 09.08.2018 (Annexure A-1) passed by this Tribunal, the aforesaid Review Application No.201/00005/2017 came to be withdrawn.

3.3. Due to inadvertence on 06.08.2018 similar application was filed by the applicant in Review Application No.201/00004/2017 and by an order dated 09.08.2018 (Annexure A-2) the said Review Application also came to be withdrawn. In fact the applicant did not want to withdraw the said Review Application No.201/00004/2017 and wanted to contest the same on merits.

4. The respondents in their reply have submitted that the competent authority has already complied with the order dated 06.10.2015 passed by this Tribunal in OA No.799/2012 in as much as the applicant's appeal dated 29.08.2012 was disposed of by passing a reasoned order dated



20.01.2016 (Annexure-2) and, therefore, this review application may be dismissed.

5. Heard the learned counsel of both sides and carefully perused the pleadings

6. We find that the aforementioned OA No.799/2012 was disposed of by passing the following directions:

“(5). In view of the above, while deprecating the action of the Respondent No.1 in considering the appeal of the applicant, without entering into the merit of the matter, we disposed of this Original Application, at this stage with a direction to the Respondent No.1 to consider and dispose of the appeal of the Applicant by a reasoned and speaking order and communicate the same to the applicant within a period of 90 days from the date of receipt of copy of this order. If upon such consideration the applicant is found to be entitled to the relief claimed by him, then expeditious steps be taken within a further period of three months to extend the said benefits to him. If in the meantime the said appeal dated 29.08.2012 has already been disposed of then the result thereof be communicated to the applicant within a period of two weeks from the date of receipt of a copy of this order”.

(emphasis supplied by us)

7. On perusal of the above order we find that OA No.799/2012 was disposed of without entering into the merit of the matter by passing the above directions. Therefore, there was no question of skipping of consideration of certain facts as submitted by the applicant in RA No.201/00004/2017. In this view of the matter, RA No.201/00004/2017 itself was not maintainable. Therefore, the present application seeking to



review the order passed in RA No.201/00004/2017 cannot also survive. Since the respondents have already complied with the order dated 06.10.2015 passed by this Tribunal in OA No.799/2012 in as much as the applicant's appeal dated 29.08.2012 was disposed of by passing a reasoned order dated 20.01.2016 (Annexure-2) and, therefore, the applicant if he feels still aggrieved by the said order, he is at liberty to challenge the same by filing a separate Original Application, wherein he may raise all such issues which he wanted to raise in RA No.201/00004/2017. With this observation, this review application is disposed of.



(Ramesh Singh Thakur)
Judicial Member

(Navin Tandon)
Administrative Member

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