

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

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R.A. NO.43/2003
in
O.A. NO.1907/2001

This the 17th day of February, 2003

HON'BLE SHRI JUSTICE V.S.AGGARWAL, CHAIRMAN

HON'BLE SHRI V. K. MAJOTRA, MEMBER (A)

Dr. Ajit Kumar Ray ... Applicant

-versus-

Union of India & Ors. Respondents

ORDER (By Circulation)

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

This is an application seeking review of order dated 12.12.2002 in OA No.1907/2001. The main ground taken by applicant for review is that letter dated 12.5.1994 has been issued by respondents and is not a forged letter. By this letter, the selection committee had approved applicant's encadrement in Grade-I of the IES as a departmental candidate. Further that the competent authority had decided to encadre applicant, Economist, in Grade-I of the IES under rule 7(a) of IES Rules, 1961 as amended, to the permanent and upgraded post of Economist.

2. This Tribunal had observed in its order dated 12.12.2002 that applicant had not rebutted the contention of respondents that letter dated 12.5.1994 was a forged one. Applicant has alleged that at the time of final arguments in the OA on 20.11.2002, the Court had taken a decision not to rely on letter dated 12.5.1994 but has ultimately relied on the same to dismiss the case.

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3. We find that at the preliminary hearing, reliance had been placed by applicant on letter of 12.5.1994 to indicate that the selection committee had approved his encadrement in the IES as a departmental candidate. According to respondents, this letter was a forged one. Applicant had not filed any rejoinder to rebut the contention of respondents. Obviously, applicant had not come with clean hands and intended to mislead the Court to claim relief in the OA. Applicant has stated that respondents should have been asked to prove that the letter dated 12.5.1994 was forged. When applicant has not put in any rejoinder to the contention of respondents regarding letter dated 12.5.1994 being forged, the question of asking respondents to prove the same as forged does not arise at all. In this backdrop, the Tribunal's order cannot be reviewed. Applicant has not pointed out any error apparent on the face of record which is a condition precedent to seek review. Actually, applicant has made an attempt to re-argue the case which is not within the scope and ambit of review.

4. Having regard to the above discussion, we find that this review application is devoid of merit and as such, is dismissed by circulation.

V. Majotra
(V. K. Majotra)

Member (A)

V. S. Aggarwal
(V. S. Aggarwal)
Chairman

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