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**CENTRAL ADMINISTRATIVE TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

**REVIEW APPLICATION NO. 50/2005
with
M.A. No. 498/2005 & M.A. No. 499/2005**

In
ORIGINAL APPLICATION NO. 2599/2001

Date of order: 13.05.2005

Late Sh. R. C. Gupta S/o Late Sh. Kishori Lal
Through His Applicants/Legal Heirs Namely:-

1. Mrs. Raj Gupta W/o Late Sh. R. C. Gupta, R/o 1256, Gulabi Bagh, Delhi – 110 007.
2. Nitin Gupta S/o Late Sh. R. C. Gupta, R/o 1256, Gulabi Bagh, Delhi – 110 007.
3. Sachin Gupta, Late Sh. R. C. Gupta, R/o 1256, Gulabi Bagh, Delhi – 110 007.

....Applicants.

V E R S U S

- 1) The Chief Secretary (For Lt. Governor of Delhi), Government of National Capital Territory of Delhi, Delhi Secretariat, I.P. Estate, New Delhi 110 002.
- 2) Director of Vigilance, Government of National Capital Territory of Delhi, Old Secretariat, Delhi – 110 054.
- 3) Commissioner, Sales Tax, Sales Tax Department, Bikrikar Bhawan, I.P. Estate, New Delhi – 110 002.

.....Respondents.

**Order (By Circulation)
Per Mr. Kuldip Singh, Vice Chairman (J)**

This is a Review Application filed by the legal representatives of Late Shri R.C. Gupta who had filed the Original Application No. 2599/2001. Original Application No. 2599/2001 was heard and decided on 16th July, 2002 and the same was dismissed. It seems that thereafter the applicants filed another Original Application No. 90/2003 which was heard and an order was passed on 17th February 2003 that the Original

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Application No. 90/2003 be treated as Review Petition and notice was ordered to be issued to the respondents. The following order was passed on 17.02.2003 in O.A. No. 90/2003:

"2. ...Earlier on, applicant had filed OA-2599/2001 against the order of the Disciplinary Authority dated 13.12.2000. Applicant's challenge to the order of the Disciplinary Authority was adjudicated upon vide order dated 16.7.2002 in OA-2599/2001. Learned counsel of the applicant stated that applicant's reply to the charge memo had not been considered by the Disciplinary Authority as well as Appellate Authority (Annexure-F). Although, earlier OA of the applicant namely, 2599/2001 was decided by this court before his appeal was decided at the instance of the applicant himself and while the present application has been filed much beyond the limitation for a review petition itself, learned counsel insisted that the present OA may be considered as a review petition.

3. Notice be issued to the respondents regarding treatment of this OA as review petition returnable on 20.03.2003."

2. It appears that on 1st February, 2005 when the said Review Application was placed before the Bench consisting of Hon'ble Shri V.K. Majotra, Vice Chairman (A) and Hon'ble Shri Shanker Raju, Member (J), the applicants made a statement to withdraw the review application and sought liberty to challenge the Tribunal's order dated 16th July, 2002 in OA 2599/2001 in accordance with law. The following order was passed on 1st February, 2005 in the R.A. itself.

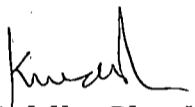
"Learned counsel for review applicants seeks and is allowed to withdraw this R.A. with liberty to challenge Tribunal's orders dated 16.7.2002 in OA-2599/2001 in accordance with law."

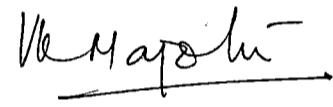
Thus, the applicant having already exercised his option to withdraw the R.A. and wanted to challenge the order dated 16th July, 2002 passed in O.A. No. 2599/2001 cannot be allowed to make second review application (the present one) as no second

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application lies. The applicants, though, while withdrawing the review application on 1st February, 2005 had sought liberty to challenge the order dated 16th July, 2002 passed in O.A. No. 2599/2001 but instead of challenging the same before the appropriate forum, the applicants have chosen to file a second review application which cannot be permitted.

3. In view of these circumstances, we need not go in details of the review application, which has been filed now. Hence, the Review Application No. 50 of 2005 is dismissed, as such.


(Kuldip Singh)
Vice Chairman (J)


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

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