

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

RA 35/2001
in
OA 1279/99

New Delhi this the day 2nd of March, 2001

Hon'ble Mr. Justice V. Rajagopala Reddy, VC (J)
Hon'ble Mr. Govindan S. Tampi, Member (A)

Shri T.R. Vashisth

....Applicant

V E R S U S

Union of India & others

...Respondents

O R D E R (IN CIRCULATION)

By Shri Govindan S. Tampi, Member (A) :

RA No.35/2001 has been filed by the applicant in OA No. 1279/1999, seeking the recall and review of the order passed by the Tribunal on 29.11.2000, dismissing the application.

2. We have carefully gone through the RA, the impugned order was pronounced in the open Court after hearing all the parties and perusing the relevant records and in the presence of the counsel for both the applicant and the respondents. By the order, imposition of penalty of 50% cut in the applicant's pension directed in the proceedings has been upheld by us, as we found that the proceedings have been gone through correctly and there was adequate evidence to sustain the penalty.

3. RA has been filed pleading that the benefit of decision of the Tribunal in the case of Sarla Devi Vs. Commissioner of Police (ATR 1992 (1) CAT 648) which followed the judgement of the Apex Court in the case of Suraimal Vs. State (Delhi Admn.) (1977 (4) SCC 595) has not been extended to the applicant as mere recovery would not prove the case in the absence of other evidence/ notice. This plea is not accepted as the evidence brought on record that the applicant had voluntarily accepted the bribe and the same is recorded in the order.

4. RA also seeks to rely upon the decision of the Hon'ble Supreme Court in S. Nagaraj & Others Vs. State of Karnataka (JT 1993 (5) 27). In the said judgement the Hon'ble Apex Court prescribes that re-examination and reconsideration is based on the universal acceptance of human fallibility and directs that when mistakes are pointed out judicial fora have to accept the situation and re-examine the issue. The noble principle is always to be adhered to if mistakes do occur. perusal of the order would make it amply evident that we had considered all the facts placed on record and given the order, which was the only ~~possible~~ ^{right} decision in the facts and circumstances of the case. Applicant has not brought any error apparent on the record or any facts which would warrant any re-examination.

5. In the above view of the matter, RA is dismissed as being devoid of any merit, in circulation.

(GOVINDAN S. TAMPTI)
MEMBER (A)

(V. RAJAGOPALA REDDY)
VICE-CHAIRMAN (J)