

(59)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

R.A. NO. 91/2001
IN
O.A. NO. 734/1999

New Delhi this the 29th day of March, 2004

Hon'ble Shri V.K. Majotra, Vice Chairman (A).
Hon'ble Shri Bharat Bhushan, Member (J).~

Kartar Singh ... Applicant.

(By Advocate Shri M.L. Chawla)

Versus

Union of India ... Respondents.

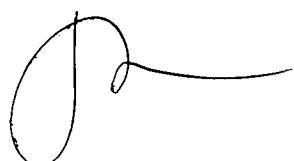
(By Advocate Shri A.K. Bhardwaj)

O R D E R

Hon'ble Shri Bharat Bhushan, Member (J).

This Review Application under Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987 has been filed by the applicant against the order dated 6th December, 2000 passed in OA 734/99, alleging therein that there are errors and mis-appreciation of evidence apparent on the face of the record.

2. Earlier, the applicant by filing O.A. No. 734/99 had challenged the disciplinary authority's order dated 09.06.1998 (Annexure A-VII) and the appellate authority's order dated 12.12.1999 (Annexure A-1). The disciplinary authority by his order dated 09.06.1998 had imposed the penalty of reduction to a lower stage of Rs.3500/- in the time scale of pay of Rs.3050-4590/- for a period of two years on applicant, with further direction that he would not earn increments of pay during the period of such reduction and that on the



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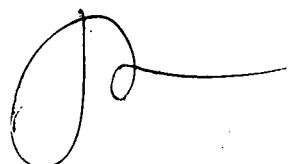
expiry of the period of two years, the reduction would have the effect of postponing future increments of his pay. His appeal too was rejected by order dated 12.02.1999. Hence feeling aggrieved, he had filed the O.A. No. 734/99 which too was dismissed vide order dated 6.12.2000. Now the present Review Application has been filed by the applicant on feeling aggrieved by the said order passed in the O.A.

3. The learned counsel for the applicant urging review of the orders dated 6.12.2000 has taken us through the portion of Para 7 of the order which reads as under:

"....None of these paras indicate that the impugned orders were passed by an authority not competent to pass the same...."

This according to him is contradictory to the stand taken by the applicant in Paras 4.26 and 4.28 thus resulting in mistake and error in the order passed by the Tribunal. The learned counsel has further argued that the Tribunal while passing the order has not properly appreciated the fact that the appellate order has been passed by an officer having no jurisdiction to pass the impugned order.

4. On the other hand, the learned counsel for the respondents while taking us threadbare through Para 7 of the order of the Tribunal and Paras 4.26 and 4.28



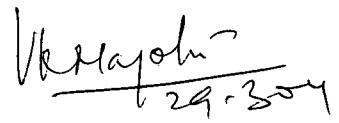
of the O.A. has contended that neither there is any error nor any mistake in the order passed by the learned Tribunal. His contention is that the applicant by moving the present review application simply wants the Court to reappreciate the evidence and then pass a fresh order which is not permissible under the law. Hence, his submission is that under the garb of the present review application, he seeks the revision of the orders dated 6.12.2000 passed by the Tribunal vide which the O.A. was dismissed.

5. We have given our careful thought to the rival contention. Upon perusal of the record, particularly Para 7 of the judgment and paras 4.25, 4.26, 4.28 and 4.34 of the O.A., we do not find that any error or mistake has occurred while disposing of the O.A. vide orders dated 6.12.2000. Of course, the learned counsel for the applicant while taking us through the records has made an attempt that the Court should reappreciate the evidence and reassess the material on record, but unfortunately that is not permissible under the law and that is not the scope of the review application. We are inclined to agree with the submission of the learned counsel for the respondents that under the pretext of the review application, the orders passed in the O.A. are sought to be revised which incidentally cannot be the intention of the review application. This being so, we do not



find any merit in the review application and the same is hereby dismissed. No order as to costs.


(Bharat Bhushan)
Member (A)


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

SRD