

Central Administrative Tribunal
Principal Bench

RA 361/2001
in
OA 229/1998

New Delhi this the 12th day of November, 2001

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J).
Hon'ble Shri S.A.T. Rizvi, Member(A).

Gopal Krishan Taank ... Applicant.

Versus

Union of India & Ors. ... Respondents.

O R D E R (By Circulation)

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J).

We have carefully considered the grounds taken by the applicant in RA 361/2001, praying for recall of the order dated 10.8.2001 on certain grounds which he has alleged are errors apparent on the face of the record. These grounds are dealt with below.

2. In paragraphs 4 and 5 of the Review Application, the applicant has stated that the Inquiry Officer Shri K.K. Kulshrestha has been replaced by one Shri R.K. Bajaj as Inquiry Officer, whereas in the Tribunal's order dated 10.8.2001, Respondent No.3 has been mentioned as Shri K.K. Kulshrestha, Inquiry Officer. In view of Tribunal's order dated 10.7.2001, the applicant ought to have corrected the name of the Inquiry Officer in the Memo of Parties, which he has failed to do, by substituting the name of Shri R.K. Bajaj for Shri K.K. Kulshrestha as Inquiry Officer. The mere change in the name of Inquiry Officer would not make any difference to the final order passed.

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3. With regard to the averment in paragraph 7 of the Review Application, we note that there is a typographical error with reference to MA 1660/2001 (which has been wrongly typed in paragraph 2 of the order dated 10.8.2001 as MA 16601/2001).

4. Accordingly, RA is allowed to the extent that the second line in paragraph 2 of the Tribunal's order should read as MA 1660/2001 (and not MA 16601/2001).

If, as contended by the applicant, the M.As have been filed by him not under the provisions of the CAT (Procedure) Rules, 1987, on this ground also the M.As ought to have been dismissed.

5. The reasons for the applicant and his counsel not being present on 10.8.2001 cannot be accepted as the case was listed at Serial No.5 under Regular Matters in the cause list of 10.8.2001. These facts are stated in Paragraph 1 of the order dated 10.8.2001. Therefore, this ground taken by the applicant in the RA fails and is rejected.

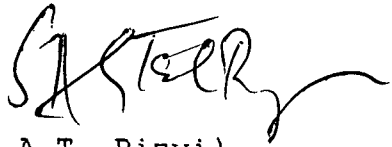
6. The other paragraphs of the RA deal with the findings of the Tribunal based on the documents on record and we are unable to agree with the contentions of the applicant that there is any error in the same. It is settled law that the applicant cannot use the Review

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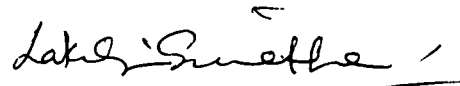
Application as if it is an appeal to re-argue the whole case.

7. In the result, for the reasons given above, excepting paragraph 4 above, R.A. is rejected.

8. Let a copy of this order be issued to both the learned counsel.



(S.A.T. Rizvi)
Member(A)



(Smt. Lakshmi Swaminathan)
Vice Chairman (J)

'SRD'