

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

RA-169/99 in
OA-776/98

New Delhi this the 30th day of August, 1999. VB

Hon'ble Smt. Lakshmi Swaminathan, Member(J)
Hon'ble Sh. S.P. Biswas, Member(A)

Shri Brij Bhushan,
R/o 1/51, Gali No.3,
Tuklakabad Extn. Kalkaji,
New Delhi. Review Applicant

(By Shri Shankar Raju, Advocate)

versus

Union of India through

1. Secretary,
Min. of Home Affairs,
North Block,
New Delhi.
2. Commissioner of Police,
Police Hqrs., New Delhi.
3. Addl. Commissioner of Police,
Armed Police, Police Hqrs.,
New Delhi.
4. Dy. Commissioner of Police,
3rd Bn. DAP, Vikaspuri,
New Delhi. Respondents

ORDER(ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Member(J)

We have heard Shri Shankar Raju, learned counsel for review applicant in RA-169/99 in OA-776/98 and perused the application. Learned counsel has submitted that mainly on two grounds the impugned order dated 24.05.99 passed in OA-776/98 needs to be reviewed as the order is not in accordance with law. He has submitted that in para 6 of the impugned order it has been stated, inter alia, that applicant has not provided any material in support of his claim that the period of absence

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either of 1994 for 10 occasions or prior to 1994 on 19 occasions have been regularised. He contends that in the impugned penalty order dated 15.7.95 in the O.A., the competent authority had referred to the fact that the applicant had absented himself on 19 occasions and came to the conclusion that he is a habitual absentee and not a disciplined person for which penalty has been imposed of stoppage of three increments for three years with cumulative effect. He states that since the absence period stated above has been treated as leave without pay, the Tribunal has erred in its conclusion in the impugned order.

(19)

2. Learned counsel further contends that the applicant has now managed to file a document (R-II) which, according to him is the record of 19 occasions when the applicant was absent for which he had been granted leave. His contention is that the applicant was unable to produce this document at the time the case was being heard or prior to the impugned order being passed on 24.05.1999. He further submits that it was for the respondents to have provided this document (R-II), with which we are unable to agree. This document does not bear any signature or authentication that it is a true copy of an official document taken from an official file but appears to be the dates compiled by the applicant himself which could have been produced by him at the relevant time earlier.

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3. We are also not impressed by the contentions of the learned counsel that there is any error apparent on the face of the record or any other sufficient reasons as provided in Order 47, Rule 1, CPC read with Section 22(3)(f) of the Administrative Tribunals Act, 1985 to allow the review application. It is settled law that a review application cannot be treated as an "appeal in disguise" and resort to it can be taken only in exceptional circumstances where there is any error apparent on the face of the record or other sufficient reason as provided in law. The contentions of the learned counsel for the applicant appears to be more in the nature of submissions that the conclusions and reasoning of the Tribunal in the impugned order are erroneous, for which it is settled law that a review application is not the remedy.

(20)

4. For the reasons given above, the R.A. is rejected.


(S.P. Biswas)
Member(A)


(Smt. Lakshmi Swaminathan)
Member(J)

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