

(23)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

RA No. 264/99 in OA No. 314/98 ✓

New Delhi, this 17th day of December, 1999

Hon'ble Shri Justice V. Rajagopala Reddy, VC(J)  
Hon'ble Shri S.P. Biswas, Member(A)

Sub-Inspector Birj Pal Singh No.D-3012  
C-10, Police Station Shalimar Bagh  
Delhi-110 041

... Applicant

(By Shri Shankar Raju, Advocate)

versus

Union of India, through

1. Secretary  
Ministry of Home Affairs  
North Block, New Delhi
2. Dy. Commissioner of Police  
North West District Delhi  
PS Ashok Vihar, Delhi

... Respondents

ORDER(in circulation)

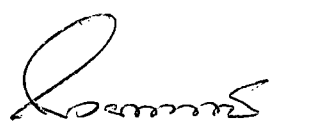
Hon'ble Shri S.P. Biswas


This review application has been filed on behalf of the applicant seeking review of the judgement and order dated 17.11.99 by which OA 314/98 was dismissed being devoid of merit.

2. The ground advanced by the review applicant in the RA is that during the pendency of the OA, the department themselves issued instructions dated 31.8.99 stating that in case where parallel DE has been ordered on the criminal case on the same facts as given in the criminal case, DE can be held in abeyance in the interest of natural justice till the conclusion of the criminal case and that despite due diligence, review applicant could not procure these instructions to be produced before the Bench.

3. In this connectin, it may be mentioned that the OA was dismissed on merit for the detailed reasons mentioned therein following the law laid down by the apex court in the cases of State of Rajasthan Vs. B.K. Meena & Ors. JT 1996(8) SC 864 as well as Capt. Paul Anthony V. Bharat Gold Mines Ltd., & Anr. JT 1999(2) SC 456, which are binding on us. Therefore the instructions relied upon by the review applicant as referred to in para 2 above do not render any help to him. Therefore, the RA is not maintainable and deserves to be dismissed.

4. That apart, it would be pertinent to reiterate here that the scope of review is very limited. The Tribunal under Section 22(3)(f) of the Administrative Tribunals Act, 1985 read with the provisions of Order 47, Rule 1 of CPC exercises the power of review if there is (1) discovery of a new and important piece of evidence, which inspite of due diligence was not available with the review applicant at the time of hearing or when the order was made; (2) an error apparent on the face of the record or (3) any other analogous ground. Since none of these ingredients is available in the present RA, the same deserves to be dismissed. We do so accordingly.

  
(S.P. Biswas)  
Member(A)

  
(V. Rajagopala Reddy)  
Vice-Chairman(J)