

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI:

R.A.No.139/95 in

D.A.No.2030/94 with

M.A.No.1666-1607/95

(10)

New Delhi, this the 6th day of July, 1995

Hon'ble Shri J.P. Sharma, Member(J)

Hon'ble Shri B.K. Singh, Member(R)

Shri J.L. Jain,
s/o Shri Sunder Lal Jain,
FA&CAO, (Since retd. while
awaiting Posting at Delhi)
SC-6, Basant Lane,
New Delhi.

... Applicant

Vs.

Union of India through

1. Secretary to the
Ministry of Railways,
Rail Bhawan, Railway Board,
New Delhi.

2. Shri K.L. Dua,
Dy. Secretary(E)II,
Railway Board, New Delhi.

... Respondents

ORDER

Hon'ble Shri J.P. Sharma, Member(J)

The original application No.2030/94 filed by the petitioner was dismissed on 15.2.95 as the counsel for applicant Shri J.K. Bali has withdrawn the application with liberty to assail the grievance, if it survives, after the disposal of the appeal preferred by the applicant against the order of punishment dated 13.10.94. There has been some delay in filing this Revision Application and further reasons stated in the M.A. The delay is

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condoned and R.A. is considered on merits.

The Review application against the judgement can only be entertained if there is error apparent on the face of the judgement or any specific piece of evidence which ^{with} due diligence was not within the knowledge of the petitioner and he wants that the same be considered on hearing the Review application and if that calls for review of the judgement, that may be reviewed. The Review application can also be entertained on some analogous grounds referred to above. The applicant in the O.A. has assiled the memo. of chargesheet and subsequently also the order of punishment passed by the disciplinary authority on 13.10.94. He has also preferred an appeal. It was therefore held that the application is premature and the learned counsel for the applicant has also withdrawn the application.

In the grounds of review, the learned counsel for applicant has mentioned certain authorities stating that non-compliance of those authorities amount to an error apparent on the face of the judgement. However, the authorities referred to by the petitioner in the grounds of review are totally not applicable to the case of the applicant because the specific issue considered in the judgement is that an appeal has already been

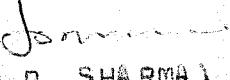
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filed against the order of punishment and the same is yet under consideration of the Appellate authority, simultaneously proceedings cannot be drawn by the applicant one for judicial review of the impugned order of disciplinary authority and the other by way of assailing an appeal before the Administrative Appellate authority. The applicant's counsel at the time of hearing also conceded this fact. There is no error apparent on the face of the judgement.

The Review Application is therefore dismissed.


(B.K. SINGH)
MEMBER(A)


(J.P. SHARMA)
MEMBER(J)

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