

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI.

RA 279/99 in  
OA 369/1994

(21)

New Delhi this the 15th day of May, 2000

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

Hon'ble Shri V.K.Majotra, Member (A)

Mahavir Prasad  
S/O Sh.Hem Raj  
VPO Bashir Pur, Distt.Mahender Garh  
(Haryana) Last Employed as  
Asstt.Accountant General(Tamil Nadu )

(Present in person )

...Applicant

Versus

- 1.Union of India through Secretary,  
Department of Expenditure,  
Ministry of Finance, New Delhi.
- 2.Comptroller and Auditor General  
of India, Bahadur Shah Zafar Marg,  
New Delhi.
- 3.Principal A.G.(A&E), Tamil Nadu,  
Madras-600018.

... Respondents

(By Advocate Shri N.S. Mehta )

O R D E R (ORAL)

(Hon'ble Shri V.K. Majotra, Member (A)

The applicant has sought review of the order dated 5.8.1999 (Annexure A-1) passed by this Tribunal in OA 369/94 under Section 22(3)(f) of the Administrative Tribunals Act, 1985.

2. We have heard the applicant and learned counsel of the respondents at length. The applicant has stated that by the order dated 5.8.99 (Ann.A.1) the OA had been rejected both on the point of limitation and merits. According to him, the period of limitation <sup>been</sup> has wrongly computed by the Court and that the principles of natural justice have not been followed by the authorities in <sup>inflicting</sup> ~~imposing~~ punishment on the applicant in the departmental enquiry inasmuch as he had not been served with the notices for participation in the departmental enquiry.

3. Learned counsel of the respondents Shri N.S.Mehta has stated that the points raised by the applicant have been dealt with in the order dated 5.8.99 in OA 369/94 and there is no glaring

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mistake on the face of the record to allow the review of the  
aforestated order. He placed reliance on AIR 1980(Vol.67)page 2041- Col.  
Avtar Singh Sekhon Vs. UOI & Ors.

4. The applicant has not been able to satisfy the Court on the point of limitation which point had been dealt with at length in the order dated 5.8.99. Similarly, we find that the points relating to notices ~~issued~~ to the applicant giving him an opportunity to participate in the enquiry ~~had been~~ sent at various addresses of the applicant known to the respondents which have also been dealt with by the Court in the same order. The details of various notices issued to the applicant were perused by the Court and it was held that the respondents have not, in any way, violated the principles of natural justice in not affording the applicant an opportunity to put-forth his case. It was found that the applicant had himself chosen not to participate in the enquiry despite issue of various notices by the respondents. As per the Avtar's case(supra), where earlier order cannot be reviewed unless satisfied that material error, manifest on the face of the order, undermines its soundness or results in miscarriage of justice. A review of a judgment is a serious step and reluctant resort to it is proper only where a glaring omission or patent mistake or ~~like~~ grave error has crept in earlier <sup>order</sup> by judicial fallibility.... The present stage is not a virgin ground but review of an earlier order which has the normal feature of finality. We are not satisfied with the grounds taken by the applicant for review as described above. It is also relevant to note that the order dated 5.8.99 in OA 369/94 is an oral order which was passed in the presence and after hearing the learned counsel of the applicant.

5. In the facts and circumstances of the case, we do not find any good grounds to review the earlier order dated 5.8.99 passed in OA 369/94 and therefore, the RA 279/99 is rejected.

V.K. Majotra  
(V.K. Majotra )  
Member(A)

Lakshmi Swaminathan  
(Smt. Lakshmi Swaminathan )  
Member (J)