

Central Administrative Tribunal
Principal Bench, New Delhi.

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RA-97/95 in
OA-1643/94

New Delhi this, the 2nd Day of May, 1996.

Hon'ble Sh. B. K. Singh, Member (A)
Hon'ble Dr. A. Vedavalli, Member (J)

Sh. Sanjay Kumar Garg,
S/o Shri Mahesh Chand Garg,
C/o Sh. G. D. Bhandari,
Advocate,
JP-51, Maurya Enclave,
Delhi-34.

Review applicant

(through Sh. G. D. Bhandari, advocate)

versus

Shri N. K. Srivastava,
S/o Sh. Pratap Bahadur,
R/o B-212, Sector-31,
Noida, Ghaziebad (UP)
(Present in person)

Respondent in RA/
original applicant

Union of India
through
Secretary,
Ministry of Education,
Shastry Bhavan,
New Delhi.

Secretary (Education),
Dte. of Education,
Govt. of N.C.T. of Delhi,
Old. Sectt.,
Delhi.

Joint Secretary (Education),
-cum-Director (Archives),
Govt. of N.C.T. of Delhi,
Old Secretariat,
Delhi.

Shri D.R. Tanta,
A.B.M. Tis Hazari,
Room No. 157,
Delhi.

Shri V.K. Sharma,
Asstt. Director (Archives),
Govt. of N.C.T. of Delhi.

Official Respondents

(through Sh. Vijay Pandita, advocate)

ORDER (ORAL)

delivered by Hon'ble Sh. B. K. Singh, Member (A)

On 22.3.96 Sh. N. K. Srivastava made a

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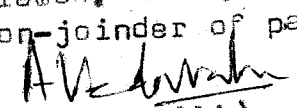
statement before the Tribunal that he is not willing to file the reply but he is ready to argue the case without the reply statement.

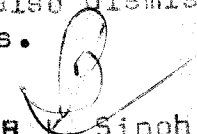
This review application has been filed by third party who is a necessary and affected party.

The Hon'ble Supreme Court in a catena of judgements have held the view that the court cannot substitute its own evaluation in matters of D.P.C.

The same view has been reiterated by the Hon'ble Supreme Court in case of State Bank of India & Ors. Vs. Mohd. Mynuddin (AIR 1987 SC 1889), Air Vice Marshal S.L. Chhabra Vs. U.O.I. (1994(26)ATC 342), Major General IPS Dewan Vs. U.O.I. & Ors. (JT 1995 (2) SC 654), Shambhu Singh Meena Vs. State of Rajasthan (1995(30)ATC140) and S.L. Soni Vs. State of M.P. & Anr. (1995(30)ATC 609).

In view of the above rulings of the Hon'ble Supreme Court, the judgement dated 16.2.95 is recalled and the review application succeeds and is allowed. The O.A.No.1643/94 is also dismissed for non-joinder of parties.No costs.


(Dr. A. Vedavalli)
M(J)


(B. K. Singh)
M(A)

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