

Central Administrative Tribunal
Principal Bench, New Delhi.

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R. A. No. 102/95 in
O. A. No. 859/94

New Delhi this the 14th Day of November, 1995.

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

Shri Vikram Singh,
S/o Sh. Haroo Singh,
R/o Vill. & P.O. Painaga
(Modinagar), Distt. Ghaziabad.
(UP).

(through Sh. N.S. Verma, advocate)

Review Applicant

versus

1. Union of India, through
the Secretary,
Govt. of India,
Ministry of Defence (Finance)
New Delhi.
2. The Controller General of
Defence Accounts,
West Block-V, R.K. Puram,
New Delhi.
3. The Controller of Defence
Accounts (Pension Disbursement)
Maurit Cantt.

Respondents

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

The review application has been filed against the judgement/order dated 22.11.1994. In the O.A., the applicant had been charged of unauthorised absence. It was admitted that he proceeded on earned leave without the sanction of the competent authority and did so when he was under orders of transfer. The enquiry was still on when this O.A. was filed. The foundation of the charge was unauthorised absence of the applicant and since the enquiry was still on in the light of the judgement of the Hon'ble Supreme

Court in case of U.O.I. Vs. Upendra Singh

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(SCC 1994(3) 357), wherein the court/Tribunals were restrained from passing interlocutory orders when the D.E. is pending. The departmental proceedings can neither be stayed nor can the court substitute itself in place of the enquiry officer/disciplinary authority/appellate authority. The aggrieved person has to wait till the departmental enquiry comes to an end. Moreover, a judicial review is permissible if it is shown that it is a case of no evidence. The same could not be done and, therefore, the D.A. was dismissed as pro-maturo. A review application under Rule 17 of CAT (Procedure) Rules, 1987 can be filed within 30 days and a perusal of the review application shows that it was filed on 31.1.95 when the judgement was made on 22.11.94 and not on 22.12.94 as reported by the Registry. The order was made on merits. Apart from limitation, there is no ingredient as stipulated under Order 47 Rule 1 of the C.P.C. i.e. there is no discovery of a new and important piece of evidence, nor is there any error apparent on the face of the record nor any analogous ground in the review application and as such it cannot be entertained. The same is summarily rejected under Order 47 Rule 4(1) of the C.P.C.

(B. K. SINGH)
MEMBER (A)

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