

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

RA No. 128 of 1994 in OA 263/94
New Delhi, this the 26th day of August, 1994.

Hon'ble Mr Justice S.K.Dhaon, Acting Chairman.
Hon'ble Mr B.N.Dhoundiyal, Member(A)

H.C. Harish Chand No.30/W
S/O Shri Kishan Chand R/O Village
Ahadpur Majra,
P.O. Richpari Distt. Sonapat (Haryana).

... .. Applicant.

vs.

Lt. Governor, NCT of Delhi
through Addl. Commissioner of Police,
Southern Range, AND Dy. C.P. (West Distt.)

... .. Respondents.

Order (by circulation)

(delivered by Hon'ble Mr B.N.Dhoundiyal, Member(A)

This Review application has been
filed requesting for modification of the judgment
of this Tribunal passed on OA No. 263/94 dated 25.2.1994.

2. The main ground for the review is that
the applicant is facing a criminal trial vide
FIR No. 270/87 under Section 409/468/471 I.P.C.
pending in the Criminal Court at Tis Hazari, Delhi,
and the prosecution witnesses have been examined.
In the event, the applicant is honourably acquitted
from the criminal charge, then by virtue of the Judgment
he has no remedy by way of representation to
the respondents and to come again before this
Hon'ble Court as the Second OA will be barred by
the principles of res-judicata. He, therefore,
requests that the following words should be
added to the judgment: " In the event, the applicant
is honourably acquitted from the criminal charge he
may make a representation to the department and
further he may be at liberty to approach this
Hon'ble Tribunal for on fresh cause of action,

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in accordance with lawⁿ.

3. This point was argued by the learned counsel for the applicant during the final hearing and this Tribunal had noted that the same issue was raised by him in OA No. 1482/88 which was dismissed by the Tribunal leaving the respondents ~~to~~ free to pass a final order in the departmental inquiry. The Tribunal had made a observation that the applicant is really asking us to sit in appeal over the judgment given by this Tribunal in OA No. 1482/88, filed by the application. We have no jurisdiction to do so.

4. The type of amendment sought by the review applicant would in fact be a modification of the earlier judgment of this Tribunal in OA 1482/88. The review application is rejected.

/sds/

B.N. Dhoundiyal
(B.N.Dhoundiyal)
Member(A)

S.K. Dhaon
(S.K. Dhaon)
Acting Chairman.