

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

R.A.No.108 of 1998
in
O.A.No.2285 of 1996

22

New Delhi, this 30th day of October, 1998.

HON'BLE SHRI K. MUTHUKUMAR, MEMBER(A)

A.K. Gupta
S/o Shri R.B. Gupta
R/o 467, Vijay Nagar Colony,
Sector-9, Block-F,
Ghaziabad (U.P.)

... Applicant

versus

1. Secretary
Ministry of Finance,
North Block,
New Delhi.
2. The Chief Controller of Accounts
Ministry of Finance,
North Block,
New Delhi-110 001.
3. The Principal Chief Controller
of Accounts,
Central Board of Excise & Customs,
AGCR Building, 1st Floor,
New Delhi.
4. The Chief Controller of Accounts
Department of Supply,
Akbar Road Hutments,
New Delhi.
5. The Principal Chief Controller
of Accounts,
Central Board of Direct Taxes,
9th Floor, Lok Nayak Bhavan,
Khan Market,
New Delhi.

... Respondents

O R D E R (By circulation)

Hon'ble Shri K. Muthukumar, M(A)

The applicant seeks to have the order in
OA.2285/96 reviewed on the ground that there was an
error on the face of the record. It was pointed out

23

in the order in the OA as follows:-

"So when the DPC was held belatedly in this case in May, 1992, the reports upto March, 1990 would have been considered. In this report, it is an admitted fact that there were certain adverse remarks which were communicated to him although in August, 1991. The next review could have become due in July, 1991 and the ACR of April, 1990 to March, 1991 also contained adverse entries which were communicated to him."

The applicant submits that adverse entries unless communicated and representation made and disposed of cannot be operative against the official and therefore submits that there was an error in the aforesaid order. He also submits that under no circumstances, the adverse remarks be considered by the DPC in July 1990 and July 1991.

It was clearly pointed out in the order as follows:-

"There is no averment to the effect that there was any DPC prior to the dates, i.e. 18.5.92, i.e. in the year 1990 or 1991."

It was pointed out in the order that the next review could have become due in July 1991, and the DPC was held only on 18.5.92, before which the adverse remarks upto the period March 1990 were communicated to him in August 1991. In the circumstances, the review DPC held in August 1992, could not have ignored the adverse remarks pertaining to the period upto March 1990. It was also pointed out in the order further that there was no averment in the OA that he had represented against the adverse remarks and those remarks had been expunged.

24

In view of this matter, I find there is no error apparent on the face of the record.

The applicant has attempted further to reargue the matter which is not permissible in a review application.

In the light of this, there is no merit in the RA and it is accordingly rejected.



(K. Muthukumar)
Member (A)

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