

Central Administrative Tribunal
Principal Bench

RA 39/99
in
OA 1359/96

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New Delhi this the 2nd day of February, 1999

Hon'ble Smt. Lakshmi Swaminathan, Member(J).
Hon'ble Shri K. Muthukumar, Member(A).

1. Commissioner of Police,
Delhi Police, Delhi.
2. Deputy Commissioner of Police (PCR),
Delhi Police, Police Headquarters,
I.P. Estate, New Delhi.

... Petitioners/
Respondents

Versus

Ram Saran
S/o Shri Roop Ram,
R/o Vill- Goyana,
Distt. Ghaziabad (UP).

... Respondents/
Applicant

ORDER (By circulation)

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

RA 39/99 has been filed by the respondents in OA 1359/96 praying for recall or modification of the order dated 24.9.1996. MA for condonation of delay in filing the RA has also been filed.

2. We have carefully considered the Review Application and the grounds taken in the Miscellaneous Application for condonation of delay. Much emphasis has been placed on the judgement of the Supreme Court in **State of Rajasthan Vs. B.K. Meena & Ors.** (1996 SCC (L&S) 1455) which was decided on 27.9.1996. In the Review Application, it has been stated that while deciding O.A. 1359/96, 'this Hon'ble Tribunal inadvertently did not look into the judgement' in **B.K. Meena's case (supra)** in which it has been held that there is no legal bar for simultaneous criminal proceedings and

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departmental proceedings to be held. The impugned order passed by the Tribunal is dated 24.9.1996 in which following the judgement of the Supreme Court in **Kusheshwar Dubey Vs. M/s Coal Ltd. & Ors.** (AIR 1988 SC 2118), the OA had been disposed of with certain directions. As the judgement in **B.K.Meena's case (supra)** has been delivered by the Supreme Court 3 days after the impugned order dated 24.9.1996, there is no question of inadvertently not looking into this judgement because the same did not exist on the relevant date. In the circumstances, it cannot be stated that there is any error apparent on the face of the record or any sufficient reason to allow this Review Application under the settled principles under which an RA lies.

3. The Review Application has been filed almost 2 years after the impugned order has been passed, on 8.9.1998. In the MA for condonation of delay, reference has again been made to the judgement of the Supreme Court in **B.K. Meena's case (supra)** followed by the Tribunal in OA 990/97 which was decided after the judgement of the Supreme Court. Taking into account the fact that the respondents have relied heavily on the judgement of the Supreme Court in **B.K. Meena's case (supra)** which has been delivered within 3 days of the impugned order, we do not also find sufficient explanation for the inordinate delay in filing the Review Application.

4. Therefore, the Review Application together with MA for condonation of delay ~~are~~ rejected.


(K. Muthukumar)
Member(A)

'SRD'


(Smt. Lakshmi Swainathan) 2/2/99.
Member(J)