

(14)

Central Administrative Tribunal
Principal Bench: New Delhi

RA No. 214/97 in OA No. 970/97

New Delhi, this the 15th day of January, 1998

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)
Hon'ble Shri K. Muthukumar, Member (A)

Than Singh,
803/IX, RK Puram,
New Delhi.

....Review Applicants

(By Advocate: Shri G.D. Bhandari)

Vs.

Union of India through

1. Secretary,
Ministry of Urban Affairs &
Employment, Nirman Bhawan,
New Delhi.
2. The Director General (Works),
Central Public Works Department,
Nirma Bhawan, New Delhi.
3. The Secretary,
Union Public Service Commission,
Shahjahan Road, New Delhi,
4. National Commissioner for SC/ST,
Lok Nayak Jai Prakash Bhawan,
Khan Market, New Delhi.
5. RD Agarwal, SE (Enquiries),
Nirman Bhawan, New Delhi.Respondents

(By None)

O R D E R (By circulation)

Dr. Jose P. Verghese, Vice-Chairman (J)-

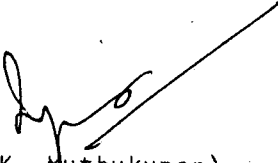
This review petition has been filed seeking review of the order passed by us on 14th August, 1997 and the review applicant has raised two grounds. First ground raised in the review petition is that the chargesheet issued in the case should have been quashed on the ground of inordinate delay, but the order passed by us on 14th August, 1997 was an oral order by which we disposed of the


(15)

OA by directing the respondents in the circumstances of the case to open the sealed cover provisionally. Thereafter now to file a review application on the ground that the chargesheet itself should have been quashed does not seem to be one made in good taste. In any event, we grant liberty to the petitioner to take this plea as and when the final order as stated in our said judgement dated 14th August, 1997 is passed by the respondents. We make it further clear that the said order was passed in the presence of the parties as an agreed order. For the benefit of the petitioner the sealed cover is to be opened and for the benefit of the respondents one more opportunity to pass the final order within the stipulated period.

The second ground raised by the review applicant is that the misconduct committed by the petitioner should have been condoned after he has been given promotion subsequently. We are unable to accept this ground as well for the purpose of reviewing our order, in view of the decision of the Hon'ble Supreme Court in State of Madhya Pradesh & Ors. Vs. R.N. Mishra and Anr. reported in JT 1997 (8) SC P. 162 wherein it was held "....If an employee/officer who is required to be considered for promotion despite the pendency of a preliminary enquiry or contemplated enquiry against him, is promoted having been found fit, promotion so made would not mean condonation of misconduct which is the subject matter of the enquiry".

In the circumstances, since no other ground has been raised, this RA merits rejection. There shall be no order as to costs.


(K. Muthukumar)
Member (A)


(Dr. Jose P. Verghese)
Vice-Chairman (J)

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