

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

R.A. No.370 of 2001
IN
O.A. No.642 of 1997

New Delhi, this the 5th day of July, 2002

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri M.P. Singh, Member (A)

1. Commissioner of Police,
Delhi Police HQ,
I.P. Estate, New Delhi.
2. Addl. Commissioner of Police,
Operations, Delhi Police HQ,
I.P. Estate, New Delhi.

... Review applicants

(By Advocate : Shri Ram Kanwar)

Versus

M. Sambaiah
No.1546/SW Delhi Police,
R/o PS Building, Janakpuri,
New Delhi.

....Respondent

(By Advocate : Shri Anil Singhal)

ORDER (ORAL)

Shri Justice Ashok Agarwal, Chairman :

Present review applicants seek review of the order passed on 25.9.2000 in OA No.642/1997. By the order, the orders of penalty imposed upon the applicant in the OA ~~without conducting any disciplinary proceedings against him,~~ have been quashed and set aside on the ground that there had been infraction of principles of natural justice inasmuch as the relevant documents had not been supplied during the inquiry. The aforesaid order was carried by the department to the High Court by instituting CWP No.3996 of 2001. Whereas at the time of hearing of the OA before us, learned counsel appearing on behalf of the department had failed to adduce any material in support of his contention that



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the listed documents had been duly furnished to the delinquent, ~~his contention appears to have been~~ ^{he had contended} ~~adverse~~ before the High Court that the documents were in fact furnished and adequate material in support of the said contention was available. In view of the aforesaid assertion, ~~the~~ aforesaid writ petition was dismissed with liberty to move a review petition before us. Hence, the present RA.

2. Counsel appearing in support of RA has at pages 21 and 21A pointed out ~~to the~~ signatures of the applicant ~~on~~ the list of documents. Based on the same, he has submitted that the applicant has signed in acknowledgement ~~that he has~~ ^{of having} ^{with} been served the copies of the said documents. We have also perused the statement of the applicant at page 22 wherein ^{following averments are made} ~~the~~ ^{the} Question No.4; "Have you inspected the listed documents?" Answer: "No"; ~~and~~ Question No.5: "Do you need any additional documents in your defence? If so furnish the list mentioning relevance and the custodian of the documents?" Answer: "Yes".

3. According to the learned counsel, aforesaid statement of the applicant appears to be mischievous, in view of ^{his} having ~~prescribed~~ his signature ~~on~~ the list of documents.

4. Counsel for the respondents has further drawn our attention to the order passed in the case of co-defaulter, Inspector Chander Mohan Vs. Union of India and others (OA No.2591/1996) decided on 2.5.2000

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to which one of us (Justice Ashok Agarwal) was a party, wherein the order of penalty imposed by the very same disciplinary authority in the very same disciplinary proceedings has been maintained and the OA has been dismissed.

5. We have given our anxious consideration to the aforesaid contention. We find that no case is made out for reviewing the order passed. As far as furnishing of documents is concerned, apart from the fact that the material which has been pointed out had not been pointed out at the time of hearing of the present OA, the same would not be clinching enough to ~~review~~ ^{held} the aforesaid findings. Applicant in his statement has denied having been furnished the documents. Even at the stage of preferring the appeal, he had sought for copies of documents.

6. In the circumstances, we do not find it safe to come to a different conclusion. The aforesaid review on the aforesaid grounds, therefore, fails.


7. As far as the order passed in respect of co-delinquent is concerned, the same in our view, will also be of no relevance. Non furnishing of documents has never been raised in the aforesaid OA of the co-delinquent. It is possible that documents may have been furnished to one delinquent and no grievance made and not furnished to another ^{and} ~~when there is~~ a grievance in this behalf has been raised. Merely because there was a joint inquiry, the same does not imply that the

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same result has necessarily ~~be~~^{to} followed. It is pertinent to note that the decision in OA of the co-delinquent had been rendered on 2.5.2002 whereas the decision of the present OA was rendered much later on 25.9.2000. It is further ~~specified~~^{pertinent to note} that the very same advocate who had appeared for the department in respect of the co-delinquent had also appeared before us in the present OA and the fact that the OA in respect of co-delinquent had been dismissed was not brought to our notice. No review is, therefore, called for on the basis of the order passed in the co-delinquent's OA.

8. For the foregoing reasons, we find that no case is made out for review. Present RA is dismissed. No order as to costs.


(M.P. Singh)
Member (A)


(Ashok Agarwal)
Chairman

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