

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

R.A. NO. 216 of 1995
in
O.A. NO. 1083 of 1995

(4)

New Delhi this the 23rd day of August, 1995.

HON'BLE SHRI JUSTICE S. C. MATHUR, CHAIRMAN
HON'BLE SHRI K. MUTHUKUMAR, MEMBER (A)

Mangtu Ram ... Applicant

Versus

Union of India & Ors. ... Respondents

O R D E R

Shri Justice S. C. Mathur —

This review application is directed against our order dated 7.7.1995 dismissing in limine the applicant's O.A. No. 1083/1995 in which he challenged the order of his compulsory retirement from service. The order of compulsory retirement clearly indicated that it was based on applicant's conviction on the charge of claiming false medical reimbursement. When the case came up for orders as regards admission on 9.6.1995 it was argued on behalf of the applicant that he had not been convicted in any criminal proceedings. Since there was admittedly no statement to that effect in the original application, the applicant was allowed time to file supplementary affidavit and the case was adjourned to 6.7.1995. It again came up on 7.7.1995. Till that date, no supplementary affidavit had been filed. Since no one appeared for the applicant, the case was decided on merit after perusal of the record.

2. The applicant explains his default regarding filing of the supplementary affidavit by stating that his counsel kept him in the dark and did not tell him ever

✓

(5)

the correct date of hearing; he was informed that the next date was 4.8.1995.

3. A review application lies for correcting errors apparent on the face of the record as constituted on the date the order sought to be reviewed was passed. On the date the order of dismissal of O.A. was passed, there was no material available on the record to contradict the statement contained in the order of compulsory retirement. It cannot, therefore, be said that our order suffers from any apparent error. The default of the applicant's counsel is a matter between the applicant and his counsel.

4. In view of the above, the review application is rejected in circulation.


(K. Muthukumar)
Member (A)


(S. C. Mathur)
Chairman

/as/