

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

R.A. No. 164/2002 Im
Original Application No. 2001 of 2000

New Delhi, this the 8th day of July, 2003

HON'BLE MR. KULDIP SINGH, MEMBER (JUDL.)
HON'BLE MR. GOVINDAN S. TAMPI, MEMBER (A)

Shri Manik Rao ..Review Applicant

(By Advocate: Shri P.T.S. Murthy)

Versus

Union of India and Others ...Respondents

(By Advocate: Shri Rajeev Bansal)

ORDER (ORAL)

By Hon'ble Mr. Kuldip Singh, Member (Judl.)

The applicant had filed an OA challenging the penalty of reduction to the lower stage of time scale by two stages which had been imposed upon him for a period of 4 years with retrospective effect. The said OA was dismissed. However, the applicant preferred a CWP No. 2222/2002 against the orders passed by this court which was disposed of with the observation that as the learned counsel for the petitioner had submitted before the Hon'ble High Court that he had raised certain questions before the Tribunal which what not gone into by the Tribunal so the CWP was dismissed. But it was observed that the remedy of the petitioner would be to file an appropriate application for review before the Tribunal.

2. Taking clue from that, the applicant has come for review of the order by filing the present RA.

3. Shri P.T.S. Murthy appearing for the review applicant submitted that it is a case based on no evidence, so the Tribunal should intervene to hold that

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the Inquiry Officer had chosen to hold the applicant guilty without any basis of evidence and the findings of the unknown persons are benami witnesses and cannot be relied upon. In support of his case he has also referred to a judgment of the Hon'ble Supreme Court entitled as Kuldeep Singh Vs. Commissioner of Police reported in 1999 SCC (L&S) Vol.1 page 429 and also Yoginath D. Bagde Vs. State of Maharashtra and Others reported in 1999 SCC (L&S) Vol.2. page 1385 wherein it has been held when there is no evidence on record the findings arrived at are perverse. No other contention was raised during arguments by the learned counsel for the review applicant for review of the orders.

4. We find that this contention had already been discussed and turned down by the Tribunal while deciding the OA when the Tribunal while deciding the OA had observed that the charges have not been proved against him and the Tribunal observed that the charge No.1 stood proved and had also gone to the extent to say that while exercising the power of judicial review, it cannot reappreciate the evidence and no ground was found to interfere with the impugned order on the basis of no evidence. Rather the court while appreciating the evidence had dismissed the OA, so on the same plea we cannot entertain the review as no new or fresh ground has been taken which may call for the review of the order.

5. Accordingly, the RA has no merits and the same is dismissed. No costs.

(GOINDAN S. TAMPI)
MEMBER (A)

Rakesh

(KULDIP SINGH)
MEMBER (J)