

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL NEW DELHI

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O.A. No. RA 198/96 in OA 1543/1993
T.A. No.

DATE OF DECISION 24-1-97

Inspector General Prisons
and Ors

Review applicants

Advocate for the Petitioner(s)

Versus

Sh. Shiv Raj Singh

Respondent

Advocate for the Respondent

CORAM

The Hon'ble Mrs Lakshmi Swaminathan, Member (J)

The Hon'ble Mr. K. Muthukumar, Member (A)

1. To be referred to the Reporter or not? yes
2. Whether it needs to be circulated to other Benches of the Tribunal X

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member (J)

Central Administrative Tribunal
Principal Bench

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RA 198/96
in
OA 1543/93

(MAs 2259/96 & 2260/96)

New Delhi this the 24th day of January, 1997.

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

Hon'ble Mr. K. Muthukumar, Member(A).

1. The Inspector General Prisons,
Central Jail Tihar,
New Delhi.
2. The Secretary (Home),
Govt. of NCT of Delhi,
5, Sham Nath Marg,
Delhi.

..Review Applicants.

Versus

Shri Shiv Raj Singh,
S/o Shri Kalam Singh,
Ex. Warder (Roll No. 227),
Central Jail Tihar,
New Delhi.

..Respondent/
Original Applicant.

ORDER (By circulation)

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

This is a Review Application No. 198/96 for review of the judgement in O.A. 1543/93, decided on 24.9.1996. Miscellaneous Applications (MAs 2259/96 and 2260/96) have also been filed by the applicants (original respondents), praying for keeping the confession statement recorded in audio cassette as evidence on record for perusal of the same in camera and for stay of the operation of the impugned order dated 24.9.1996 till the Review Application is disposed of.

2. We have carefully perused the Review Application and are satisfied that the same can be disposed of under Rule 17(iii) of the CAT (Procedure) Rules, 1987.

One of the grounds taken in the Review Application as stated in para 6 is that Shri Jog Singh, learned counsel for the respondents, failed to make his appearance because his name never appeared in the cause list. Further, it has been submitted that Shri K.T.S. Tulsi, Ex-Additional Solicitor General of India, could not also appear as he was busy in some other more important cases. In the circumstances, the review applicants have submitted that they have not been given a last opportunity through a notice and that their right has been forfeited. They have, therefore, submitted that their lapse is not of such magnitude. The other ground taken is that the statement made by the original applicant is incorrect. They have, therefore, pleaded that the review applicants should be heard. They have further referred to the acquittal of the applicant by the court of learned Addl. Sessions Judge, giving the benefit of doubt on 12.1.1995. In the circumstances, the review applicants have submitted that they may be given an opportunity to be heard at length with liberty to file record pertaining to disciplinary proceedings and criminal averments and findings, etc. and allow the review application.

3. Regarding the averments that the name of Shri Jog Singh, learned counsel, had never appeared in the cause list, we have seen the comments of the Registry dated 21.1.1997 (which are placed on record), which show that this is incorrect position. It is

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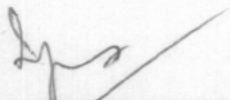
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seen from the order sheet dated 5.7.1996 that Mrs Z. Hadke, proxy counsel for Shri Jog Singh, learned counsel, had appeared and sought a short adjournment that they have to receive the instructions from the respondents. Accordingly the case was listed as part heard on 10.7.1996. When the case was listed again on 7.8.1996, the names of the counsel had been correctly given in the cause list. Finally, on 30.8.1996 also when the case was listed as part heard and reserved for orders, the name of Shri Jog Singh had appeared as counsel for the respondents in the cause list of that date. In the circumstances, the plea of the review applicants that the learned counsel could not make his appearance as his name never appeared in the cause list is without any basis. Besides, that by itself is not a ground for reviewing the impugned order dated 24.9.1996.

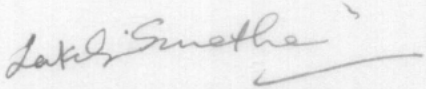
4. A perusal of the Review Application shows that it does not in any way state that there is any error on the face of the record or any other ground falling under the provisions of Order 47 Rule 1 of the Civil Procedure Code justifying review of the order. There has been no breach of the principles of natural justice as more than a reasonable opportunity had been afforded to the respondents but for the reasons best known to them, they had not cared to file a reply or be represented through counsel when the case was finally heard.

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5. Regarding the averments made in Annexure A-1 of the Review Application that the applicant had been represented through another counsel, namely, Shri Luthra, we find that his vakalatnama is on record and there is no infirmity on this ground also.

6. In the facts and circumstances of the case, we find no merit in this Review Application and it is accordingly dismissed.


(K. Muthukumar)
Member(A)


(Smt. Lakshmi Swaminathan)
Member(J)

'SRD'