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CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

RA 299/93

Date of Decision: 17.10.93

in

OA No. 983/93

J.D. Gupta

... Petitioner

Vs

Union of India & Ors

... Respondents

Coram:

Hon'ble Mr. J.P. Sharma, Member (J)

Hon'ble Mr. N.K. Verma, Member (A)

JUDGEMENT

(Delivered by Hon'ble Mr. J.P. Sharma, Member (J)

The Review Applicant has sought the review of the judgement dated 23.7.1993 by which the application was dismissed disallowing the prayer of quashing of the second chargesheet on the applicant on 12.3.1993.

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We have considered the grounds taken by the applicant. The first ground taken by the applicant is that there is no provision in the CCS(CCA) Rules 1965 to issue fresh chargesheet on the same allegation. In fact the matter has been twisted by the applicant himself. In OA No. 738/86 by the order dated 14.11.1991 the punishment order was quashed and the respondents were directed to restore the applicant to the same position as he was earlier before the Impugned Order giving liberty to the respondents to serve a fresh chargesheet to the applicant. Thus, the respondents have complied with the directions issued in the aforesaid judgement.

The finding in the judgement that the time is not of essence in such case of disciplinary proceeding is based on a proper appreciation of the law on the point and cannot be reviewed even if the applicant consider the same as an erroneous finding.

Regarding ground No. 3 that the applicant has entered into the departmental enquiry proceedings and now it is too late to interfere with the proceedings pending before the enquiry officer, the decision has been reached on the basis of reasoning given in the body of the judgement and cannot be a ground for review.

As regards the ground No. 4 regarding vires of the Rule 9(2) of the CC (Pension) Rules 1972, the matter was not agitated at the time of hearing and has been given up when the order was directed in the presence of the learned counsel Shri S.C. Jain in the open court.

There is no error apparent on the face of the record and
no ground is made out to review the judgement. The review
application is devoid of merits and dismissed *by circulation*

N.K. Veram
(N.K. Veram)

Member (A)

J.P. Verma
(J.P. Verma)

Member (J)

17. XI. 92

Mittal