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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

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RA-35/94 in
OA No. 1849/93

Date of decision. 22.4.1994

Hon'ble Shri B.N. Dhoundiyal, Member(A)
Hon'ble Sh. B.S. Hegde, Member(A)

SI Har Surinder Pal Singh,
No. D/214, C-3, Type-III,
New Police Lane,
Kingsway Kamp, Delhi

... Review applicant

(By Advocate Sh.R.L. Sethi)

Versus

Union of India-through

1. The Addl. Commissioner of Police,
PHQ, MSO Building, I.P.Estate,
New Delhi
2. The Dy. Commissioner of Police,
Central District, Darya Ganj,
New Delhi

... Respondents

(None for the respondents)

ORDER

Hon'ble
(Delivered by Sh.B.S. Hegde, Member (J))

Applicant has filed this review application
seeking review of the judgment dated 8.9.93.

2. Learned counsel for the applicant Sh.R.L.Sethi
sought review of the judgment on the following grounds:-

that there is an error in
the judgment, inter-alia, stated "We have
considered the submission made by the learned
counsel for the petitioner and gone through
the record."

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It is true that the OA has been disposed of at the admission stage without calling upon the respondents to show cause or produce the relevant record. His main stand is that the Tribunal ought to have given notice to the opposite side and called for records and thereafter, the Tribunal may either admit or dismiss the O.A. However, we noticed that the competent authority before passing the minor penalty of "CENSURE" had served show cause notice on the applicant and on the receipt of his reply, the respondent have passed order of censure.

3. It is a well settled principle, that the Tribunal is not sitting as an Appellate forum against the orders of the Disciplinary Authority, therefore, considering the points raised in the O.A. the Tribunal thought fit to dispose of the application at the admission stage itself without calling upon the respondents to submit their reply. As has been rightly been pointed out, that it is not open to the Tribunal to undertake judicial review of the Administrative decision taken by the competent Authority. Since the penalty has been imposed on the petitioner after following due procedure of law as laid down in the statutory provision under Delhi Police (Punishment and Appeal) Rules, 1980 there is no scope for the Tribunal to intervene in the matter.

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4. It is well settled that the scope of the review application is very limited and a Review

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Application is maintainable only if there is an error apparent on the face of the record or some new evidence has come to notice. It cannot be utilised for re-arguing the case traversing the same ground.

5. In the instant case, we do not find any new facts have been brought to our notice. The grounds raised in the Review Application are more germane for an appeal against the judgment referred to above and not for review of the judgment.

6. In the facts and circumstances of the case, we do not find any merit in the Review Application and the same is rejected.

(B.S. Hegde)

Member (J)

(B.N. Dhandiyal)

Member (A)