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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

R.A. No. 302 in
O.A. No. 575/86

Shri Charan Singh ... Petitioner

v/s

Union of India ... Respondents
& Ors.

This Review application has been filed by the respondents in O.A. No. 575/86 against the judgement given on 8.11.1991. The application has been filed only on 16th September 1992 i.e. after nine months of the date of order. The applicant, in his Review Petition, has alleged that the certified copy of the judgement has not been received by them so far. However, in M.P. No. 2896 regarding condonation of delay it has been stated that the Review Application could not be filed in time as Shri Jagjit Singh, who was counsel for the respondents in that O.A., had not handed over the file of the case to the respondents as a result of which the respondents could not prepare the Review Application. In

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M.P.No. 2897 of 92 it has been requested that pending the review, the operation of the impugned judgement be stayed. In M.P. No. 2898 a request has been made that the complete file of the O.A. might be summoned at the time of hearing of the review application.

2. The ground given for condonation of the delay that the counsel had not handed over the file of the case to the respondents does not constitute sufficient ground for condoning the delay. While it is true that a party should never suffer for the fault of his counsel but this proposition is too broad to command general acceptance as a principle. A principal is bound to gain or lose according to the ability and alertness or negligence of a counsel or other agent chosen by him. Negligence as such can hardly amount to sufficient cause.

3. Notwithstanding the fact that it is a time barred petition, we proceed to examine it on merit as well. The Learned Counsel for the petitioner

in the review application has contended that the applicant in the O.A. had failed to fill up the correct information in the Attestation Form which he was required to do. Therefore, it was within the power of the respondents to terminate the services of the applicant. The applicant was given ~~Case~~ and and an opportunity to explain the ~~case~~ it was only ~~the~~ thereafter i.e. after receiving the reply as at Annexure P-5 that the services were terminated.

4. Annexure P-5 enclosed with the review application is a letter of 1986 from the applicant of the O.A. against termination of his services. This letter was sent by him after the orders of termination dated 24.12.1985 were issued to him. The termination order simply stated that the services of the applicant are terminated with immediate effect i.e. 24.12.1985. It is true that earlier he was asked to explain why in his Attestation Form he had not furnished the correct information and the attestation form incorporated a clause to the effect that furnishing of false information would be a disqualification and was likely to

render the candidate unfit for employment.

The fact, however, remains that when the termination order was issued, no notice of such a termination was given. The impugned judgement stated that the principle of natural justice would warrant issue of proper notice or an opportunity of being heard before the order of termination. Therefore, direction was given to reinstate the applicant within a period of three months. No back wages were allowed and it was further observed that the respondents were not precluded from terminating the services according to rules after giving him an opportunity to represent including personal hearing. No good ground has been made out for a review of the judgement, especially when in the opinion of the Bench the services of the employee could not be terminated without notice or an opportunity of being heard.

5. In the conspectus of aforesaid facts and

observations, the review application is bereft of merit and is dismissed both on grounds of merit and of limitation in regard to time of filing. The M.Ps. stand disposed of.

I. P. Gupta 13/10/92
(I. P. Gupta) Member (A)

Hon'ble Mr. Justice Ram Pal Singh

I agree.

Ram Pal Singh
13.10.92