

16

Central Administrative Tribunal
Principal Bench, New Delhi.

RA-88/94
MA-680/94
OA-672/88

New Delhi this the 16th Day of May, 1994.

Hon'ble Mr. Justice S.K. Dhaen, Vice-Chairman
Hon'ble Mr. B.N. Dheundiyal, Member (A)

Sh. Hardeep Singh,
S/o Sh. Hari Singh,
R/o 24/1, Newid Line,
Delhi Cantonment,
Delhi-10.

Review Applicant

(By advocate Sh. R.V. Naik)

versus

1. Union of India,
through its Secretary,
Ministry of Defence,
Govt. of India,
South Block,
New Delhi.
2. Deputy Chief of the
Army Staff,
Ministry of Defence,
South Block,
New Delhi.
3. Major General,
General Officer Commanding
Delhi Area,
Delhi Cantonment,
Delhi.

Respondents

ORDER (ORAL)
delivered by Hon'ble Mr. Justice S.K. Dhaen, V.C.

This is an application seeking review of the judgement of this Tribunal dated 27.08.1993 passed by a two-Member Bench of this Tribunal (Hon'ble Sh. I.K. Rasgotra and Hon'ble Sh. B.S. Hegde).

The applicant was subjected to disciplinary proceedings. A charge memo was given to him alleging that he had submitted a false L.T.C. claim. He was awarded the punishment of removal from service. He filed a writ petition in the Delhi High Court which was transferred to this Tribunal. The transferred application was disposed of by the aforesaid judgement

by the aforesaid Bench.

The only contention advanced is that the Tribunal erred in maintaining the order of the appellate authority that the punishment awarded to the applicant was commensurate with the guilt attributed to him. Be that as it may, in our opinion, the Tribunal did not commit any error apparent on the face of record while dismissing the O.A. The Tribunal has adverted to the question of punishment and has recorded reasons as to why it agrees with the view point of the Appellate Authority. Even if the Tribunal has committed an error, no ground has been made out to review the judgement within the framework of Order 47 Rule 1 of the Code of Civil Procedure wherein the powers of review are circumscribed.

Merit apart, this appears to be a highly belated application. The judgement under review was given on 27.8.1993. According to his own averment, he received a copy of the judgement on 7.9.93. This application was presented in the Tribunal on 25.2.94. It is to be noted that an application for review has to be filed within a period of 30 days from the date of receipt of the order. The review application is also accompanied with an application seeking the condonation of delay. We have considered the question of delay and we are not satisfied with the explanation offered for condoning the delay. The application is rejected summarily.

(B.N. DHOONIYAL)
MEMBER(A)

/vv/

(S.K. DHAON)
VICE CHAIRMAN