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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

* * * *

4.12.91

RA 183/1991 in OA 685/1988

SHRI LAKSHMI NARAYAN NIGAM VS. UNION OF INDIA

The applicant has filed the Review Application against the judgement dated 9.5.1991. As provided by Section 22(3)(f) of the Act, the Tribunal possesses the same powers of review as are vested in a civil court while trying a civil suit. As per the provisions of Order XLVII, Rule 1 of the Code of Civil Procedure, a decision/judgement/order can be reviewed:

- (i) if it suffers from an error apparent on the face of the record; or
- (ii) is liable to be reviewed on account of discovery of any new material or evidence which was not within the knowledge of the party or could not be produced by him at the time the judgement was made, despite due diligence; or
- (iii) for any other sufficient reason construed to mean "analogous reason".

2. In the Original Application, the applicant claimed the relief to set aside the impugned orders dt. 14.7.1986 and 8.4.1987 by which the applicant was awarded the punishment of withholding an increment for a period of two years without

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postponing future increments.

3. The order passed in the Original Application is as follows :-

"We are, therefore, of the view that the impugned order cannot stand. The case is remanded back to the appellate authority to again decide the appeal of the applicant taking in view the representation filed by the applicant to the disciplinary authority and after making an objective analysis and marshalling the evidence, draw the conclusion whether the order passed by the disciplinary authority is sustainable. The appellate authority shall decide the appeal in a period of three months. The application is, therefore, allowed to this extent. If the applicant still feels aggrieved by the order of the appellate authority, he will be free to come to the Tribunal again."

4. The applicant has sought the Review firstly on the ground that the orders of the disciplinary authority as well as appellate authority dated 14.7.1986 and 8.4.1987 are non speaking orders. This matter has been fully discussed in para-3 of the judgement.

5. The other ground taken in paras-3.2 and 3.3 pertains to the chargesheet and the charges framed against the applicant.

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The case has been sent back to the appellate authority and the decision has not been given on merits of the case.

6. In view of the above discussion, there is no valid ground to interfere with the judgement aforesaid and the Review Application is devoid of merits and is dismissed by circulation.

Jomane
(J.P. SHARMA) 4.12.91
MEMBER (J)

D.K. Chakravorty
(D.K. CHAKRAVORTY)
MEMBER (A)