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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL 23.12.91
PRINCIPAL BENCH: NEW DELHI

Present: Hon'ble Mr. Justice V.S. Malimath .. Chairman
Hon'ble Mr. S. Gurusankaran .. Member(A)

REVIEW APPLICATION NO.186/1991

IN

O.A. NO. 593/1988

Shri R.D. Sharma Applicant
V/s.
Union of India. Respondent

This Review Application having come up for Orders by Circulation, Hon'ble Shri S. Gurusankaran, Member (A), made the following:

O R D E R

I have gone through the Review Application No.186/1991 filed in O.A. No.593/1988 in which judgement was delivered on 9.8.1991. It is noted that the Review Application does not confine itself to O.A. No.593/1988, 815/1988, 1496/87 and 1754/1987 and thus the Review Application suffers from serious lacunae of bringing in extraneous matters.

2. The Review Applicant's contention that during the arguments before the Special Bench he had submitted that O.A. No.593/1988 should not have been fixed for final hearing is not correct, since no such plea was putforward by the counsel for the applicant during the hearing. In fact from the order sheet dated 24.4.1991 in O.A. No.593/1988 with O.A. Nos. 815/1988, 1469/1987 and 1754/1987, it is seen that this case

and the other connected cases will be listed on 21.5.1991 after the part heard and these cases will not be treated as part heard. There is also no basis for the statement of the review applicant that after hearing the arguments, both the judges announced in the open Court that the respondent could not and cannot retire the applicant under FR 56 J during the pendency of 2 disciplinary proceedings. The scope of review application is very limited and the applicant has not brought out any error in the order apparent on the face of the records or about the discovery of new and important piece of evidence, which after the exercise of due diligence, was not within the knowledge of the applicant or could not be produced by him at the time when the order was passed. In the order dated 9.8.1991 the facts about the disciplinary proceedings pending against the applicant and the well settled law that specific allegation of misconduct cannot be relied upon for prematurely retiring the Government servant so as to short circuit the procedure have been discussed. Apart from this, wrong consideration or non-consideration of a matter do not form good grounds for review.

3. In view of the above, I find that the applicant has not brought out any sufficient grounds for

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reviewing the order passed on 9.8.1991 in O.A. No. 593/1988. Accordingly the Review Application is dismissed.

I agree
[Signature]

Hon'ble Chairman.

[Signature]
23/12/91
(S. GURUSANKARAN)
MEMBER(A) 23.12.1991