

(19)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

RA No. 370/93
in
OA No. 965/88

Date of order: 17.11.93

Shri Azad Singh

.. Petitioner

Vs

Union of India & Ors

.. Respondents

Coram:

Hon'ble Shri J.P. Sharma, Member (J)

Hon'ble Shri N.K. Verma, Member (A)

ORDER (By Circulation)

This is review against the judgement dated 30.8.1993 by which the application was dismissed.

The ground taken in the Review Petition is that the absence of duty of the applicant which was treated as misconduct was due to the sickness of the applicant for which medical certificate was filed with the authorities. The authorities without taking any action on those medical certificates proceeded departmentally against the applicant in a disciplinary enquiry under Section 21 of Delhi Police Act 1978. The averment in Para 5 for review the judgment is that the absence without leave is not the gravest act of misconduct. The matter has already been considered by the Hon'ble Supreme Court in the case of State of Punjab and ors Vs. Ram Singh, 1992(4) Judgement Today SC page 253. The matter has also been considered by a Full Bench in the judgement, CAT dated 4.8.1993 in OA No. 1344/93 Hari Ram Vs. Delhi Administration and ors. The authority cited by the Review Applicant therefore does not help him.

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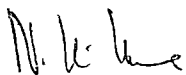
A judgement can be reviewed on the ground mentioned in Order 47 Rule 1 CPC which are as follows:

1. When there is an error apparent on the face of the record;

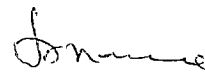
2. When any evidence not within the knowledge of the party at the time of hearing with due diligence and has been gathered by him subsequently; and

3. On analogous grounds.

The case of the applicant does not fall in any of these grounds. The averment in the Review Application that certain arguments addressed at the time of hearing does not find mention in the reasoning given in the judgement is not substantiated by record. The judgement has covered all the issues raised at the time of hearing. The Review Application therefore is devoid of merit and is dismissed by circulation.



(N.K. Verma)
Member (A)



(J.P. Sharma) 67. 21. 93
Member (J)

Mittal