

(16)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH : NEW DELHI

R.A. No. 436/93  
O.A. No. 2283/89

New Delhi this the 15th Day of December, 1993

THE HON'BLE MR. J.P. SHARMA, MEMBER (J)  
THE HON'BLE MR. B.K. SINGH, MEMBER (A)

Suresh Chander Sharma,  
son of Shri Mangal Ram,  
EX-Extra Departmental Branch Postmaster,  
Khaleta Branch Post Office,  
Resident of Village & P.O. Khaleta  
Khaleta. .... Petitioner

(By Advocate Shri Sant Lal)

Vs

1. The Chief Postmaster General,  
Haryana Circle,  
Ambala Cantt.
2. The Sr. Superintendent of Post Offices,  
Gurgaon Division;  
Gurgaon. .... Respondents

(By Advocate None)

O R D E R

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

The applicant has sought review of the judgement dated 8.10.1993 rejecting the application O.A. No. 2283/89 and disallowing the reliefs prayed for in the application.

The applicant has taken grounds for review in Para 3 of the application. The first ground taken by the petitioner is regarding certain observations of para 9 of the judgement but there is no error apparent on the record and the ground taken is argumentative raising the same point again which was considered and rejected in the body of the judgement.

The second ground taken is regarding certain observations in para 6 of the judgement regarding the place of prima facie embezzlement/fraud and acceptance of illegal gratification and it is urged in the ground that the plea of the respondents was controverted in the rejoinder. That was not in issue in the present application. It was only the suspension, put off duty, in another matter. This, therefore, cannot be taken the ground to review the earlier judgement.

The third ground relates to observation made in para 6 of the main judgement and it is said that the observations made are erroneous. The observation is that merely because the period of put of duty continued beyond the period laid down in certain guidelines will not make the order of put of duty unwarranted. In the circumstances of the case of the applicant where he was already facing an enquiry under ED Agents (Conduct and Services) Rules 1964. This also does not make out any ground for review of the judgement. The ground No. 4 taken is regarding an observation in the judgement that the case of embezzlement normally takes sufficient time for gathering evidence and the ground taken is that the applicant refuted these allegations. That is not the subject of issue. The only point considered in the judgement was whether the order of put of duty of the applicant passed by the respondents could be interfered with on certain technical points raised in the application and the Tribunal has given its reasons in the judgement not to interfere in the same. This also does not make any ground for the review of the earlier judgement.

The other ground taken by the petitioner is regarding observation in para 7 of the judgement and the petitioner has referred to para 5.2(a) and (c) of the Original Application and stated that the respondents No. 3 has not filed any affidavit in the case. So the allegations against him (Shri S.C. Dewan) remained unrebutted. The allegations of malafide will not be established bias against the applicant unless the malice in fact or law is established by cogent and convincing evidence, that was not the case here. This therefore has no ground for review of the earlier judgement.

The petitioner has also referred to certain illegal grounds taken in para 5.7 and 5.8 of the original application and also referred to the authority of 1988 (2) ATLT - 10 regarding the guidelines for putting of duty. These points have already been considered in the judgement and the case cannot be reopened for fresh arguments.

We find that there is no substantial ground made out by the petitioner for reviewing the judgement. The review application, therefore is devoid of merit and dismissed by circulation.



(B.K. Singh)

Member (A)



J.P. Sharma

Member (J)

\*Mittal\*