

(13)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

R.A. NO. 277/94

IN

O.A. NO. 689/89

New Delhi, 19th September, 1994

THE HON'BLE MR. S. R. ADIGE, MEMBER (A)

THE HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

Nafe Singh

... Applicant

By Advocate Shri J. P. Verghese

Versus

Delhi Admn. & Anr.

... Respondents

O R D E R

Shri S. R. Adige, Member (A) —

In this application dated 22.7.94 Shri Nafe Singh has prayed for review of judgment dated 17.3.1994 in O.A. No. 689/86. An application for condonation of delay has been filed on the ground that the judgment was communicated to the applicant by letter dated 4.4.1994, which was misplaced and was received by the applicant very late. It is contended that the applicant came to meet his counsel on 24.6.1994, who happened to be on holidays and he could, therefore, meet his counsel only after the Tribunal re-opened after the Summer vacations and the review application hence came to be filed on 22.7.1994.

2. At the outset, it must be noted that the grounds contained in the prayer for condonation of delay are wholly inadequate. The applicant has not stated on what date he received the letter dated 4.4.1994 communicating the Tribunal's judgment dated 17.3.1994, and what steps he took between that date and the time he came to meet his counsel on 24.6.1994.

3. The first ground taken by the applicant in the review application is that he had already been removed from service by order dated 16.1.1984, and, therefore, the second disciplinary proceeding initiated against him by chargesheet dated 3.4.1979 must be deemed to have lapsed. ^{It is urged that} Even if the applicant was reinstated on 7.7.1984, after his punishment was reduced from that of removal from service to that of forfeiture of approved service permanently, that reinstatement cannot automatically revive the second disciplinary proceedings which already stood lapsed by his removal on 16.1.1984. This ground has been discussed in detail in paragraph 2 of the impugned judgment dated 17.3.1994, and in any case is not sufficient to bring this objection within the ambit of Order XLVII Rule 1 Code of Civil Procedure.

4. Similarly, the other grounds taken by the applicant that the disciplinary proceedings themselves were conducted *ex parte*; that Rule 16 of the Delhi Police (Punishment & Appeal) Rules, 1980 was not adhered to while conducting the departmental proceedings; the applicant had produced reasons for his absence; and the period during which the absences from duty are said to have taken place, does not bring this petition within the ambit of Order XLVII Rule 1 CPC.

5. Thus, on grounds of limitation, as well as on merits, this review application is rejected.

Lakshmi Swaminathan
(Mrs. Lakshmi Swaminathan)
Member (J)

Adige
(S. R. Adige)
Member (A)

/as/