

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI.

R.A. No.264 of 1994 in O.A. No.2402/1989.

New Delhi, dated this the 26th day of August, 1994.

Hon'ble Justice Mr. S. K. Dhon, Acting Chairman.

Hon'ble Mr. P.T. Thiruvengadam, Member (A)

Parmanand,
S/o Shri Hoshiai Singh,
R/o Village Dhansa,
P.O. Dhansa,
Delhi.

... Applicant.

By Advocate: Shri A.S. Grewal.

Versus

1. Lt. Governor of Delhi,
through Chief Secretary,
Delhi Administration,
Delhi.
2. Commissioner of Police Delhi,
Delhi Police Headquarters,
MSO Building, I.P. Estate,
New Delhi.
3. Additional Commissioner of Police,
New Delhi Range, Delhi Police Hdqrs,
MSO Building, I.P. Estate,
New Delhi.
4. Deputy Commissioner of Police (West District)
Near Vishal Cinema,
Police Station Rajouri Garden,
New Delhi.

... Respondents.

By Advocate: None

ORDER (Oral)

JUSTICE MR. S.K. DHON.

The applicant is seeking the review of the judgement dated 9th June 1994 given by a Bench presided over by Hon'ble Mr. Justice V.S. Malimath, the then Chairman.

It appears on reading of the judgement that on the date of the hearing, no one appeared on behalf of the applicant. The learned Members, therefore, after perusing the record disposed of the O.A. on merits.

In the departmental proceedings, the applicant had been charged that he has misbehaved in a drunken stage in a police station. The learned Members noted the fact that the applicant has been subjected to criminal trial for the offences under section 92 and 93 of the Delhi Police Act.

The learned Members noted that those provisions pertain to obstruction and annoyance in a street in public place. Section 93 pertains to breach of peace. The Bench observed that the subject matter of departmental proceedings and criminal charges were not the same. In support of this application, the learned counsel for the applicant cited the case of Rajpal Singh vs. Union of India, Secretary, Ministry of Home Affairs (1994)1 ATJ page 190. We have gone through the judgement carefully and we find that the same is distinguishable. The learned Members there found that the subject matter of the departmental proceedings and the criminal proceedings were substantially the same. Even on merit the learned Members found that in the departmental proceedings, no case has been made out. This case is not apposite to the facts of the present case. Therefore, the Tribunal was right in ignoring the same. We, therefore, cannot exercise our power under Rule 1 Order 47 of the CPC wherein our powers of review is circumscribed and accordingly the application is rejected summarily.

P.T. Thiruvenkadam
(P.T. THIRUVENGADAM)
MEMBER (A)

S.K. Dhakon
(S.K. DHAKON)
MEMBER (J)