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In the Central Administrative Tribunal
Principal Bench: New Delhi

RA No.118/91 in
OA No.586/89

Date of decision: 29.09.1992.

Smt. Sonica Sushila Chauhan

...Petitioner

Versus

Union of India & Another

...Respondents

Coram:-

Hon'ble Mr. Justice V.S. Malimath, Chairman
Hon'ble Mr. I.K. Rasgotra, Administrative Member

For the petitioner Shri S.K. Sawhney, Counsel.

For the respondents Shri O.P. Kshtariya, Counsel.

Order

(Hon'ble Mr. I.K. Rasgotra, Administrative Member)

Review Application No.118 of 1991 has been filed, seeking review of our judgement in OA No.586/89 delivered on 31.12.1990. The principal ground adduced by the review petitioner for the review prayed for is that the said OA-586/89 was disallowed by the Tribunal, drawing adverse inference as the passport of the petitioner could not be produced. The petitioner challenged the said judgement through S.L.P. No.6964/91 before the Hon'ble Supreme Court. The said S.L.P. was heard on 1.5.1991 when the Hon'ble Supreme Court directed the petitioner to move the Tribunal for review of its judgement in view of the fact that the passport of the petitioner was available and could be produced in support of the contention that the petitioner had not left for Libya and was continuously residing in India after 2.8.1984.

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2. Besides the above, the review petitioner has taken up several other grounds which are more or less repetition of the points agitated in the O.A. and in the hearing. These points stand already disposed of and we do not propose to trench them.

3. Shri S.K. Sawhney, learned counsel for the review petitioner referred us to the order of the Hon'ble Supreme Court in SLP No.6964/91 decided on 1.5.1991, in which their Lordships have ordered:-

"UPON hearing counsel the Court made the following ORDER

The petitioner if so advised may move for review petition before the Central Administrative Tribunal. The petitioner has produced her passport before us but we do not want to go in that question and we permit the petitioner to move the Tribunal for review. The Special Leave Petition is dismissed as withdrawn."

4. In view of the above order of the Hon'ble Supreme Court we have reconsidered our judgement. The relevant part of our judgement in which the issue of passport figured is extracted hereunder:-

"On a specific query from the Bench whether the applicant's passport can be produced before the Court for perusal, the learned counsel submitted that it was not available.

We have heard the learned counsel of both the parties. Smt. Chauhan is said to have returned from Libya on 2.8.1984 but she did not leave her latest address with the competent authority. The matron of the hospital, Shri Sher Singh, whose address she had given, had no knowledge of her present whereabouts.

In fact, he has clearly stated that Smt. Chauhan has left for Libya again on 10.10.1984. The learned counsel for the applicant also could not produce the passport which is a vital document to indicate the movement of the applicant between India and Libya. In these circumstances the respondents did not appear to have any option but to proceed against her under the Railway Servants Discipline and Appeal Rules, 1968.

In these circumstances, we do not find any merit in the application for interference. Accordingly the application is dismissed with no order as to costs."

5. The learned counsel Shri S.K. Sawhney, relying on the passport No.R-129841 submitted that the said passport "was renewed valid until 14.4.1984 (final)". Since the validity of the passport expired on 14.4.1984, the petitioner could not have undertaken any journey thereafter. The said passport was also submitted to us for our perusal. We observed that the passport

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No. J-803270 was initially issued in favour of the petitioner on 15.4.1974 by Regional Passport Office, Delhi. This passport was renewed finally upto 14.4.1984, i.e., the date when the validity of 10 years for a passport expired. The information made available by the passport is not relevant to the events that took place after 10.10.1984 inasmuch as the reliefs prayed for in the Original Application were to quash the order of removal from service dated 11.4.1985 and the order of the appellate authority dated 13.2.1989, confirming the said penalty imposed by the disciplinary authority. The new evidence produced by way of the said passport does not in any way affect the contents or the conclusions arrived at in our judgement. Besides the O.A. was not rejected solely on the ground that the petitioner was not able to produce the passport when specifically asked by the Court. The O.A. was disallowed taking into consideration the totality of the facts and circumstances, one of which was the non-availability of the passport. We are, therefore, of the opinion that the said passport which does not relate to the relevant period, does not make out a case justifying the review of our judgement dated 31.12.1990. Accordingly the R.A. is rejected.

S. K. Rasgotra
(I.K. RASGOTRA)
MEMBER (A) 29/9/92

V. S. Malimath
(V.S. MALIMATH)
CHAIRMAN