

(9)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

R.A. No. 146/94
in
O.A. No. 446/89

New Delhi this the 12th Day of May 1994

Hon'ble Mr. J.P. Sharma, Member (J)
Hon'ble Mr. B.K. Singh, Member (A),

Shri O.P. Kaushik,
Sub Inspector,
Special Task Force,
(Diplomatic Security),
Chanakayapuri,
New Delhi.

... Applicant

(By Advocate : None)

Versus

1. Union of India,
through Administrator/Lt. Governor,
Delhi Administration,
6 Raj Niwas Marg,
Delhi-110 054.

2. The Commissioner of Police,
Police Headquarters,
M.S.O. Building,
Inderprastha Estate,
New Delhi-110 002.

3. Shri Oamar Ahmad,
Deputy Commissioner of Police,
East Delhi (Shalimar Park),
Delhi.

4. Shri Rajendra Mohan,
Additional A.C.P. (Range),
M.S.O. Building,
Indraprastha Estate,
New Delhi.

... Respondents

(By Advocate: Shri R.N. Singh)

ORDER

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

O.A. No. 446/89 was decided by the order dated 16.2.94 and at the time of hearing neither the applicant nor his counsel were present so the matter was disposed of on merit on the basis of the pleadings of the parties taking into account the grounds taken by the applicant in the original application. The applicant was punished in a disciplinary

enquiry having been found guilty of the charges and he was awarded the punishment of forfeiture of five years of approved service permanently with cumulative effect and also that the period of suspension shall be treated as period as not spent on duty.

2. The applicant has taken certain more grounds which he has not taken in the Original Application. This ground mostly touch the merits of the criminal case. The applicant was entrusted with a case involving in an accused under Sec. 50/52 and 55 of the N.D.P.S. Act. He has now taken the ground that he has obeyed the orders of the supervisor but that was open to him in the departmental enquiry and the Tribunal cannot appreciate the evidence. The appreciation of the evidence had already been done by the disciplinary authority and by the judgement aforesaid. It was found that there was sufficient evidence on record of the departmental enquiry to justify the conclusion of guilt arrived against the applicant. The applicant had been in service since 1972 and he is expected to be well aware of the rules and the manner in which he was ^{to deal with the} suspect with. There is no error apparent on the face of the judgement. The review of application therefore does not lie in view of the order 47 Rule 1 CPC and as observed by the Hon'ble Supreme Court in the case of Chandra Kanta & Anr. Vs. Sheikh Habis, AIR 1975 SC 1500 and Aribam Tuleswar Sharma Vs. Aribam Pishak Sharma & Ors AIR 1979 SC 1407. Thus, the Review Application is devoid of merit and dismissed. (By Court)

(B.K. Singh)
Member(A)

(J.P. Sharma)
Member(J)