

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH

NEW DELHI

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Date of Decision : 11.12.92

RA 226/92 in OA 2129/89

HARCHARAN SINGH

... Applicant

Versus

Unions of India

... Respondents

CORAM

Hon'ble Sh. P.C. Jain, Member (A)

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

For the Review applicant ... Sh.Kripal Singh, Counsel.

For the respondents ... Sh. Gajraj Singh, Counsel.

O R D E R (ORAL)

(DELIVERED BY HON'BLE SH. P.C.JAIN, MEMBER (A).)

This Review Application has been filed by the applicant in OA 2129/89, which was disposed of by an order dated 28.1.92. The RA was filed on 3.6.92. As the same was not within the limitation prescribed under Rule 16 of the CAT (Procedure) Rules, 1987, the petition for condonation of delay, (MP 1832/92) has also been filed.

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2. We have heard the learned counsel for the review applicant and for the respondents on both the petition for condonation of delay as also on the Review Application. We have also perused the material on record.

3. The reasons given for delay in filing the Review Application are two-fold. Firstly, that the advocate of the applicant in the OA could not inform him in time about the judgement dated 28.1.92 and that he came to know of it when he approached his advocate on 2.6.92. Secondly, it is stated that his daughter Shashi Kumari was seriously ill with "mind tumor", in connection with which he had to do many things.

4. For the reasons given in the MP we allow the same and condone the delay in filing the RA.

5. In the matter of RA against a judgement/order of the Central Administrative Tribunal, provisions of order 47, Rule 1 of the Code of Civil Procedure are applicable (Section 22(3)(f) of the Administrative Tribunals Act, 1985). None of the grounds taken by the review applicant in this RA are covered by the grounds mentioned in the aforesaid provision of the Code of Civil Procedure. However, we may briefly deal with the grounds taken by the applicant.

6. First ground is that as the matter of interpretation of Rule 12. of the Delhi Police (Promotion and Confirmation) Rules, 1980 is involved and as this involves substantial

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question of law of general importance, this be considered. Rule 12 of the Promotion and Confirmation Rules is not at all relevant. Probably, the applicant refers to Rule 12 of the Delhi Police (Punishment and Appeal) Rules, 1980. Another ground is that the Tribunal may hold that the principle which is applicable in the case of acquittal is also applicable to the case of discharge. Next ground is that the Tribunal may hold that the principles of law enunciated by the Supreme Court of India in the judgement (AIR 1984 SC 626) are not only applicable to the case of acquittal but also to the case of discharge. Still another ground is that finding of the Tribunal in the aforesaid judgement to the effect that the enquiry report and the appellate order do not suffer from any infirmity, may be held to be not sustainable. Similarly, it is contended that the findings of the Tribunal in the aforesaid judgement that the Appellate Authority has also discussed relevant facts of the case and arrived at the conclusion that there is no merit in the appeal, may also held to be not sustainable. Another ground is that FIR and Rojnamcha report and charge sheet are not in order.

7. All the above grounds may be relevant for an appeal against the judgement, but do not fall within the scope of review. We are of the considered view that this RA is devoid of merit and the same is accordingly rejected, leaving the parties to bear their own costs.

(J.P. SHARMA)
MEMBER (J)
11.12.92

(P.C. JAIN)
MEMBER (A)
11.12.92