

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No. RA 47/1993 in
OA 1016/1989

Date of decision: 28.07.1993

Shri Sohanvir Singh

...Applicant

Versus

Union of India & Others

...Respondents

For the Applicant

...Shri V.P. Sharma, Counsel

For the Respondents

Shri D.N. Goberdhan, Counsel

CORAM:

THE HON'BLE MR. JUSTICE S.K. DHAON, VICE CHAIRMAN
THE HON'BLE MR. B.N. DHOUNDIYAL, MEMBER (A)

1. To be referred to the Reporters or not?

JUDGMENT

(of the Bench delivered by Hon'ble Mr. Justice
S.K. Dhaon, Vice Chairman)

This is an application praying that the final order passed by a Two - Member Bench of this Tribunal consisting of Hon'ble Mr. P.K. Kartha, Vice Chairman (as he then was) and one of us (Hon'ble Mr. B.N. Dhoundiyal) in OA 1016/1989 decided on 29.01.1993, may be reviewed.

2. At the outset, we may note that OA 1016/1989 was argued by Shri Shanker Raju, Advocate whereas the present Review Application has been filed by Shri V.P. Sharma, Advocate.

3. Admittedly, the applicant's services were terminated in the purported exercise of power under Rule 5 of the C.C.S. (Temporary Service) Rules, 1965. This Tribunal relying upon a judgment of the Supreme Court in the case of State of Uttar Pradesh Vs. Kaushal Kishore Shukla (1991) 1 SCC page 691 held that the applicant being a temporary hand, his services could be dispensed with under Rule 5 of the aforementioned.

4. It is argued on behalf of the applicant that Shukla's case had no application to the facts of the applicant's case. It is also argued that some other decision of the Supreme Court were opposite.

5. The arguments aforementioned ~~boils~~ down to this. This Tribunal passed an erroneous order. Even an erroneous order cannot be subjected to a Review Application. The provisions of Order 47 Rule 1 of the Code of Civil Procedure are applicable to this Tribunal. We are satisfied that no error apparent on the face of the record exists in the order sought to be reviewed.

6. The other contention advanced is that this Tribunal committed an error apparent on the face of the record when it overlooked its earlier direction given in an earlier O.A. preferred by the applicant that the applicant's representation against the order of termination should be disposed of by the Commissioner of Police by a speaking order. It is asserted that, in fact, the Commissioner of Police did not pass a speaking order.

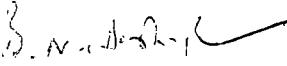
7. The judgment under review does not disclose that the said point was urged before the Tribunal. In paragraph 2 of the Review Application, it is averred:-

" That it will be relevant to submit here that the Ld. Counsel for the applicant failed to argue the case particularly on the points of misconduct and suitability which were not only necessary but also important law points to be taken into consideration for the decision of the case".

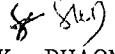
We have perused the contents of the Review Application carefully. In it, we do not find even a whisper of the fact that the aforesaid contention advanced in support of the Review Application was put forward before the Tribunal while hearing the Original Application.

8. In these circumstances, it cannot be said that this Tribunal committed any error much less an error apparent on the face of the record in not adverting to the effect of the failure of the Commissioner of Police to pass a speaking order while disposing of the representation of the applicant.

9. This Review Application has no merit. It is accordingly dismissed.


(B.N. DHOUDIYAL)
MEMFBER (A)

28.07.1993


(S.K. DHAON)
VICE CHAIRMAN
28.07.1993

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