

Central Administrative Tribunal
Principal Bench

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R. A. No. 109/95
in

O. A. No. 2298/90

New Delhi, this the 17th Day of May, 1995.

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

Shri Braham Singh
s/o Shri Mansa Ram,
R/o village & Post office Sarurpur Kalan,
Tehsil Baghpat,
Distt. Meerut, U.P.

Review applicant

(By none)

Versus

1. Commissioner of Police,
Delhi Police Headquarters,
MSO Building, I.P. Estate,
New Delhi.
2. Additional Commissioner of Police (CID),
Delhi Police Headquarters, MSO Building,
I.P. Estate,
New Delhi.
3. Deputy Commissioner of Police,
Crime and Railway Delhi,
Delhi Police Hqrs.
MSO Building, I.P. Estate,
New Delhi.

Respondents

(By none)

Judgement

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

The applicant filed the O.A. 2298/90 which was decided by the order dated 24/3/1995 granting certain reliefs to the applicant and quashed the order of punishment on the ground that the pre-mature retirement of the applicant has been accepted on 8.5.1989 and so the punishment awarded .

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on 10.5.1989 was quashed. In this review application, the applicant has urged that for reviewing the judgement that the order of respondent no. 3 relating to voluntary retirement dated 11.5.1989 is quashed and set aside with all consequential benefits.

There is no error apparant on the face of the judgement and the case of the applicant is not covered by the provisions of order 47 rule 1 of the G.P.C. which lays down that any person can seek review of the judgement on the discovery of a new and important matter or evidence which after the exercise due diligence, was not within his knowledge or could not be produced byhim at the time when the order was passed or there is some mistake or error on the face of the record or for any other sufficient reasons. There is no further evidence adduced by the applicant nor there is error apparant on the face of record and or any other reasons have been illustrated by the Lordship of the Pervij Council in the case of Chhajju Ram Neki Ram and others reported in AIR 1922 Pervij Council page 112. The Pervi council held that other sufficient reasons means a reason sufficient on grounds atleast analogous to those set aside immediately previously. Such an interpretation excludes from the power of the review of re-hearing and re-deciding the case on merits.

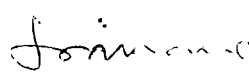
There is another fact also which is clearly noticed in the judgement that during the course of the hearing, the counsel for the applicant did not press the application of the provision of rule 48(a) of the C.C.S. (pension) Rules, 1972 in the matter. The punishment order has been set aside only on the ground that the applicant has been allowed premature retirement from service and when the pre-mature retirement has been effected, no order of punishment can be passed as the relationship of master and servant has seized.

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There is no merit in this review application and
the same is dismissed by circulation.


(B.K. SINGH)
MEMBER (A)


(J. P. SHARMA)
MEMBER (J)

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