

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

RA No.125/91 in OA No.1181/90

O.A. No.
T.A. No.

199

DATE OF DECISION 12.11.1991GURSEWAK SINGH SODHI Petitioner

Advocate for the Petitioner(s)

Versus
UNION OF INDIA THROUGH SECY. MINISTRY OF DEFENCE
AND ANOTHER. Respondents

Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. P.K. KARTHA, VICE CHAIRMAN (J)

The Hon'ble Mr. D.K. CHAKRAVORTY, MEMBER (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Yc*
2. To be referred to the Reporter or not ? *Nt*
3. Whether their Lordships wish to see the fair copy of the Judgement ? */Nt*
4. Whether it needs to be circulated to other Benches of the Tribunal ? */Nt*

ORDER(ORDER OF THE BENCH PASSED BY HON'BLE MR. D.K. CHAKRAVORTY
MEMBER (A) IN CIRCULATION)

The petitioner in this RA is the original applicant in OA 1181/90 which was disposed of by judgement dated 25.1.91/1.2.91. The petitioner had sought the following prayers:-

- "1. That Order No.1 be quashed and directions issued that the applicant will continue to serve in Air HQ as per the laid down policy.
2. That order No.2 be quashed and directions issued to expedite finalisation of the alleged imputations of misconduct on part of the applicant as per CCS(CC&A) Rules, 1965. Pending finalisation of the case, the applicant to continue to serve in the Medical Directorate where the alleged complaint originated.

3. That Dy.CAO(A), SAO/CAO-P/2 and ADPC-2 who have exercised powers recklessly or powers which were not delegated to them in an arbitrary manner be punished as these officials are not immune from legal action if they have violated the Rules and have not acted in good faith but in an arbitrary and dictatorial style. Type of such punishment and quantum of such punishment the applicant prays that Hon'ble Court may kindly prescribe and directions be issued for its circulation in all departments.

4. Cost of the case be made good to the applicant."

2. After going through the records of the case and hearing both sides, the Tribunal saw no justification to interfere with the impugned transfer of the petitioner from the post of Stenographer in Air Headquarters to the post of Stenographer in QMG's Branch by the impugned order dated 23.2.1990. The Tribunal also issued certain directions as regards regulating the period of his service from 10.4.1990.

3. Feeling aggrieved by the aforesaid judgement, the petitioner filed RA 125/91 praying that the same be placed before the Hon'ble Chairman for directions for constitution of a Full Bench in view of the grounds raised therein. He had also prayed that the RA be listed before some other Bench.

3. The Registry sought the orders of the Hon'ble Chairman, who had directed as follows in his order dated 23.7.1991:-

"The Review Application has to be considered by a Division Bench and not by a Full Bench. Larger Benches are constituted when there is a conflict in decisions and matters are referred by any Division Bench."

This RA is directed against the later order.

dated 1.2.1991. It will be put in circulation amongst the Members who heard the OA and passed order dated 1.2.91. If they order for a hearing then the case will be listed for hearing."

4. That is how the RA has been placed before us for consideration and disposal.

5. We have carefully gone through the grounds raised in the RA. We see no error of law apparent on the face of the judgement. The petitioner has also not brought out any new facts warranting a review of the judgement. In case the petitioner is aggrieved by the decision of the Tribunal, the proper course would be to prefer an appeal to the Supreme Court and not to reagitate the matter through a review application. The Review Application is accordingly rejected.

D.K.Chakravorty
(D.K.CHAKRAVORTY)
MEMBER(A)

P.K.Kartha
(P.K.KARTHA)
VICE CHAIRMAN(J)