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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH:NEW DELHI.

Regn. No. RA 245/1992 in Date of Decision: 4-1-93
OA 1941/1990

Shri Naresh Kumar

...Petitioner

Vs.

Union of India

...Respondents

CORAM:

The Hon'ble Mr. P.K. Kartha, Vice Chairman (J)

The Hon'ble Mr. A.B. GORTHI, Administrative Member

1. To be referred to the Reporters or not, No

JUDGEMENT

**(of the Bench delivered by Hon'ble
Shri P.K. Kartha, Vice Chairman(J))**

The Petitioner in RA 245/1992 is the original applicant in OA 1941/1990 which was disposed of by oral judgment dated 2.4.1992. The petitioner was facing a criminal trial as well as departmental enquiry simultaneously. The Tribunal has passed an interim order on 28.09.1990 restraining the respondents from proceeding with the conduct of the departmental enquiry against him. After hearing both parties and going through the records of the case carefully, the Tribunal was satisfied that the

charges in both the proceedings were distinct and separate and that there was no justification in staying the departmental enquiry on the ground of any prejudice to the applicant in the criminal case. In view of this, the Tribunal held that the applicant was not entitled to the main relief sought by him. The Tribunal, however, directed that the respondents shall conduct the departmental enquiry expeditiously and pass final orders thereof. Thereafter, if the applicant feels aggrieved, he would be at liberty to file a fresh application in the Tribunal in accordance with law, if so advised. The interim order already passed on 28.09.1990 was also vacated.

2. On careful consideration, we do not see any good ground for reviewing the judgment. The petitioner has not brought out any fresh facts warranting a review of the judgment. We also do not see any error of law apparent on the face of the judgment. It may be that the applicant is aggrieved by the decision of the Tribunal in which event the proper course for him would be to prefer an appeal before the Supreme Court and not to reagitate the matter by filing a review petition. The RA is accordingly dismissed.

Anurag J.S.
(A. B. GORTHI)
MEMBER, (A)

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