

Central Administrative Tribunal
Principal Bench, N. Delhi

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R.A.no. 260/93 with
M.A.no. 2313/93 in
O.A.no. 1891/90

New Delhi, this the 28th Day of April, 95.

HON'BLE SHRI J.P. SHARMA, MEMBER (J)
HON'BLE SHRI B.K. SINGH, MEMBER (A)

Shri Kamal Prasad
Sub Inspector D.1900
r/o 19A, P.S.Mehrauli,
New Delhi- 110 030.

Review Applicant

(By Shri M.P.Raju, Advocate)

versus

1. Delhi Administration through
its Chief Secretary,
Old Secretariat,
Rajpur Road,
Delhi- 110 007.
2. The Commissioner of Police
Police Hqrs.
I P Estate,
New Delhi - 110 002.
3. Shri Didar Singh
SHO
Sadar Bazar Police Station
New Delhi

Opposite parties

(By None)

JUDGEMENT (CRA)

(delivered by HON'BLE SHRI J.P.SHARMA, M(J)

The Review applicant has filed the R.A. No. 260/93 with M.A. 2313/93 for condonation of delay against the judgement delivered on 5.3.1993 by the Principal Bench consisting of Hon'ble Mr. B.N.Dhondiyal, Member(A) and Hon'ble Mr. A.K.Sinha, Member(J). The M.A. 2313/93 for condonation of delay has been supported with an affidavit also. The Hon'ble Chairman has now directed this R.A.

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R.A. to be listed before this Bench.

The ground taken by the Review applicant is that he was awaiting the final disposal of the disciplinary departmental enquiry as has been directed in the judgement under review on remanding the matter to the disciplinary authority. After aforesaid enquiry has been dropped, the Review applicant has filed this review application. This is not a reasonable and substantial cause. An error apparant on the face of the record of judgement has to be seen within the prescribed period. However, if there is any physical or financial handicap with the applicant, he can pray for condonation of delay which prevented him to file the R.A. within the statutory period of one month from the date of the order. The R.A. is, therefore, time barred.

However, we have heard the learned counsel Shri M.P. Raju for the Review applicant on merit also, so , we have also considered this on merit. The contention of the learned counsel is that, alongwith the applicant there was an other delinquent in the same departmental enquiry served with the same summary of allegations and both i.e. applicant and the other delinquent were punished by an order passed by the disciplinary authority imposing the same punishment of removal from service. In the case of the applicant the O.A. was disposed of by the order dated 05.03.1993 whereby the order of punishment

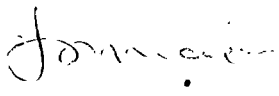
was quashed with liberty to the respondents to proceed with the enquiry, if so advised, but the applicant was not to be paid any back wages for the period he has been out of duty. It is stated by the learned counsel for the applicant that in the case of other delinquent who filed O.A. assailing such order of removal from service, the Bench while quashing such order directed that the said delinquent be re-instated in service and regarding the back wages for the period the said delinquent was out of duty by virtue of order of punishment quashed, respondents shall decide how that period is to be treated after the said disciplinary departmental enquiry which re-commenced as per the order of the remand passed in his case and continued, be treated.

We have given a careful consideration and we find that there is no error apparant on the face of the order. The review application cannot be filed to re-write a judgement or to take a different view then which has already been taken in the circumstances of that case. If the applicant feels that the judgement is erroneous, on that point he has remedy available and that shall not be a ground of review. The learned counsel for review applicant has also stated that he does not want to press the R.A. In view of the facts and circumstances, we find no merit in the R.A. and the R.A. is, therefore, dismissed.

In M.A. 937/95, the Review applicant has prayed for the grant of the similar relief which he has already taken as

of
ground for review/the judgement in R.A. 260/93. We have
read the relief prayed for at page 8 of M.A. with the
learned counsel for the petitioner and infact the relief
prayed in the M.A. has been parapharased while in the
R.A. they are taken as precise grounds. We have dismissed
the R.A. by an order of even date just, after hearing
the learned counsel for the Review applicant. This M.A.
No. 937/95 is also not maintainable. M.A. is, therefore,
dismissed with R.A. No costs.


(B.K. SINGH)
MEMBER (A)


(J.P. SHARMA)
MEMBER (J)

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