

(14) (2)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

R.A.No. 60/96

IN

O.A.No. 2468/91

New Delhi: this the // ¹⁴ April, 1996.

HON'BLE MR.S.R.ADIGE, MEMBER(A).

HON'BLE MRS.LAKSHMI SWAMINATHAN, MEMBER(J).

Chet Ram S/o Shri Chiranjee Lal Meena,
R/o Village & P.O.Ganwado Meena,
Tehsil Hindoun, P.S.Hindoun City,
Distt.Sawai Madhopur(Rajasthan),
Presently posted and R/O Barrack No.2,
PTS Complex, 8th BN.DAP, Malviya Nagar,
New DelhiApplicant

By Advocate Shri Shanker Raju

Versus

Commissioner of Police,
Police Headquarters, MSO Building,
IP Estate,
New Delhi.Respondent

JUDGMENT

By Hon'ble Mr. S.R.Adige, Member(A).

We have heard review applicant's counsel
Shri Shanker Raju on R.A.60/96 praying for
review of judgment dated 3.11.95 in O.A.No.2468/91
Chet Ram Vs. Commissioner of Police & others.

2. The ground taken in the review application
is that the Tribunal by its impugned order should
have directed the respondents to act in accordance
with Circular dated 30.3.91 and repatriate the
applicant to his parent department after re-
instating him and the period of his suspension
should have been left to be decided by the

/

15

38

parent department.

3. The said Circular which is in respect of deputationists serving in Delhi Police, lays down that "in cases of misconduct of a serious nature where suspension is necessary, it would be better if the deputationist is repatriated, to reduce the number of ineffective officers. The papers regarding the misconduct along with the preliminary enquiry papers could be sent to the parent department for further action." Manifestly this circular is not mandatory in nature and does not prohibit the competent authority in the Delhi Police from proceeding departmentally against deputationists serving with them. It is ^{at best only} advisory in nature, and in any case, cannot ^{be made} be a ground for review.

4. Secondly, it has been urged that the impugned judgment, disentitling the applicant for back wages on the ground that he did not raise the issue of jurisdiction in the departmental appeal, is an error apparent on the face of record.

5. The fact that the applicant did not raise the issue of jurisdiction in appeal, is a question of fact and the review applicant has not shown any material to establish that there has been any factual error apparent on the face of record. In that background, if the impugned judgment

1

16

disentitled the applicant for any back wages,
it cannot be said that there are materials to
justify a review, within the scope and ambit of
Order 47 Rule 1 CPC.

6. Under the circumstance, the R.A. is
dismissed.

Lakshmi Swaminathan
(LAKSHMI SWAMINATHAN)
MEMBER (J)

S.R. Adige
(S.R. ADIGE)
MEMBER (A).

/ug/