

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

R.A. NO.20/2006
M.A. NO.226/2006
in
O.A. NO.2218/2004

This the 24th day of March, 2006

HON'BLE SHRI V. K. MAJOTRA, VICE-CHAIRMAN (A)
HON'BLE SMT. MEERA CHHIBBER, MEMBER (J)

Union of India & Ors.

... Applicants

(By Shri V.S.R.Krishna, Advocate)

versus

Satya Narayan

... Respondent

(By Ms. Meenu Mainee, Advocate)

ORDER (ORAL)

Hon'ble Shri V.K.Majotra, Vice-Chairman (A):

Through this review application, review has been sought of Tribunal's orders dated 24.8.2005 in OA No.2218/2004. This OA was disposed of quashing respondents' orders, i.e., Annexures A-1, A-2 and A-3, and directing the General Manager to pass fresh orders regarding appointment of another enquiry officer, but only in the circumstances when the earlier enquiry officer was not available for some good reason, and the documents asked for by respondent (applicant in the OA) were to be supplied to him, if available, and if the same were not available, the enquiry was to abate forthwith. If the documents were made available to applicant, then the enquiry was to proceed ^{in the} accordance with law and applicant given an opportunity to examine the defence witnesses. In case the enquiry was proceeded with in this manner, it had to be completed within a period of four months.

2. The learned counsel of review applicants has taken exception to the direction regarding abatement of the enquiry in case of non-availability of the documents sought for by respondent, contending that law does not permit such a direction. He further submitted that the OA was disposed of placing reliance on

directions passed in another OA No.1503/2004 : **Ramesh Kumar v Union of India** on 22.8.2005. He submitted that in Tribunal's orders dated 22.8.2005 no directions regarding abatement of the enquiry were made. He also submitted that a review had been filed against the Tribunal's orders dated 22.8.2005 in OA No.1503/2004 and that the present review application has also been filed on similar grounds as raised in the review application against the orders passed in case of **Ramesh Kumar** (supra). The learned counsel further placed reliance on order dated 20.9.2005 in OA No.1720/2004 : **Chatter Pal v Union of India** stating that in that case in which there were identical facts as those in OA No.2218/2004, no directions regarding abatement of the enquiry proceedings in the event of non-availability of documents were made.

3. Ms. Meenu Mainee appearing on behalf of original applicant (respondent herein) filed a copy of Tribunal's orders dated 31.1.2006 in RA No.18/2006 : **Union of India v Ramesh Kumar**, stating that the review application filed against Tribunal's aforesaid orders dated 22.8.2005 in OA No.1503/2004 was dismissed. The review applicants herein have themselves admitted that Tribunal's directions in question were given on the basis of decision in the case of **Ramesh Kumar** against which review application had been filed. It is also not disputed that the present review application is on the basis of the same grounds as explored in the review application in the matter of **Ramesh Kumar**. It is observed that after taking into consideration all the grounds taken by the review applicants in that case, review application in the matter of **Ramesh Kumar** was dismissed.

4. Reliance placed on behalf of review applicants in the case of **Chatter Pal** (supra) will not lend any support to the case of review applicants inasmuch as that case was decided on 20.9.2005 while the matter herein was decided earlier on 24.8.2005. Obviously, the doctrine of precedent is not applicable in the case under review.

5. No error of fact has been brought out on behalf of the review applicants. The learned counsel of review applicants was invited to cite specific case law in support of the contentions made. No case law could be cited.

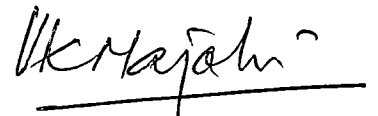
6. This matter has had a chequered history. A charge sheet was issued as back as on 31.5.1991 whereafter despite prolonged litigation through quite a few OAs the disciplinary proceedings against the applicant were resumed having been dropped once and made to linger on unnecessarily. In the peculiar facts of the case, the directions in issue were made by the Tribunal in order dated 24.8.2005. These directions are quite in consonance with the directions in order dated 22.8.2005 in the case of **Ramesh Kumar** (supra). Placing reliance on order dated 30.4.2001 passed by the Hon'ble Allahabad High Court in CM Application No.9786/2001 in WP No.584/2001, decision of the Hon'ble Supreme Court in the case of **Whirlpool Corporation v Registrar of Trade Marks** [1999 (17) LCD 219], the decision of the Hon'ble Apex Court in **M.L. Sachdeva v Union of India** [(1991) 1 SCC 605], and **K.B. Bhardwaj v Union of India** [2002 (2) ATJ 477], the review application No.18/2006 against the orders in the case of **Ramesh Kumar** (supra) was dismissed vide order dated 31.1.2006.

7. Having regard to the above discussion as also the fact that no error apparent on the face of record has been pointed out on behalf of review applicants, this review application is dismissed being without merit.



(Meera Chhibber)
Member (J)

/as/



(V. K. Majotra)
Vice-Chairman (A)

24.3.06