

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

**R.A.No.51/2005**

**IN**

**OA 1758/2004**

New Delhi: this the 26<sup>th</sup> day of April, 2005

**Hon'ble Mr. Justice V.S. Aggarwal, Chairman,  
Hon'ble Mr. S.A. Singh, Member (A)**

Shri V.K. Dhingra,  
R/o Flat No. 144, Kewal Kunj Apartment,  
Sector -13, Rohini New Delhi.

..Applicant  
(Review respondent)

Versus

Union of India and Ors.

1. The Secretary,  
Ministry of Health and Family Welfare,  
Nirman Bhawan  
New Delhi.
2. The Secretary,  
Union Public Service Commission,  
Shahjahan Road,  
New Delhi.
3. Director General,  
Health Services,  
Directorate General of Health Services,  
Nirman Bhawan,  
New Delhi,
4. Director,  
Food Research & Standardization,  
Laboratory,  
Ghaziabad.

.Respondents  
(Review Applicants)

**O R D E R (IN CIRCULATION )**

**Hon'ble Shri S.A. Singh:-**

Union of India, the review applicants, have filed this RA No.51/2005 for review of the Tribunal's order dated 06.01.2005 in OA No. 1758/2004 on the ground that there is an error apparent on the face of record because the additional affidavit and written submissions filed on 03.12.2004 and 27.12.2004, respectively have escaped the notice of the Tribunal.

2. <sup>it is alleged</sup> Further, there is a factual error because the explanation for reason for delay in issuance of charge sheet has escaped the notice of the Tribunal. The review respondent (applicant in the OA) was not exonerated

by the order of December, 1997 as observed by the Tribunal. In 1997, the first preliminary inquiry Committee was set up. When the said committee did not examine all the issues referred to it, a Second Preliminary Inquiry Committee was set up and it gave its report in 2002, which was forwarded to CVC. The CVC recommended minor penalty on 22.9.2001. A formal charge sheet was issued on 19.06.2002. This explains the reason for the delay. The Tribunal has failed to take into consideration this aspect. Hence there is an error on the face of record.

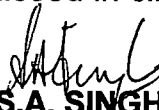
3. Moreover, the review applicants relied upon the judgment of the Hon'ble Madras High Court in the case of C.Chenchana, reported in A.I.R. 1953 in which it has been held that if important issues raised have not been considered, it is a fit case for review.

4. We have gone through the documents placed on record. We find that from reading of paras 8 to 14 of Tribunal's order dated 6.1.2005 the issue of delay has been extensively examined. The question of two departmental committees have also been dealt with in the judgment as is apparent from Paras 14 and 15 of the said order.


5. Review is only permissible from the discovery of new and important matters or evidence, which after the exercise of due diligence was not within the knowledge of the applicant or could not be produced by the applicant at the time when the order was made or on account of some mistake or error apparent on the face of the record or any other sufficient reason.

6. The review applicants have not been able to show any error that is apparent on the face of the record but have merely tried to reargue the case which is not permissible.

7. In view of the foregoing, the review application is without merit and is dismissed in circulation.

  
(S.A. SINGH)  
MEMBER (A)

/usha/

  
(V.S. AGGARWAL)  
CHAIRMAN