

17

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

RA 79/2005
In
OA 1761/2004

New Delhi, this the ^{6th} day of April, 2005

Hon'ble Mr. Shanker Raju, Member (J)
Hon'ble Mr. S.K. Malhotra, Member (A)

V.K. Aggarwal
WZ-75, G-Floor,
Gali No.-4, Shiv Nagar,
New Delhi.

...Applicant.

Versus

Union of India & Ors. through

1. Vice Chairman,
Kendriya Vidyalaya Sangthan,
Ministry of HRD
Shastri Bhawan,
New Delhi.
2. The Commissioner
Kendriya Vidyalaya Sangthan,
18, Institutional Area,
Shahid Jeet Singh Marg,
New Delhi - 110 016.
3. Assistant Commissioner,
Delhi Region, KVS,
JNU Campus,
New Mehrauli Road
New Delhi - 110 016.
4. Assistant Commissioner,
KVS, Chandigarh Region,
SCO No. 72-73,
Dakshin Marg, Sector-31
Chandigarh - 160 030.

....Respondents.

O R D E R (In Circulation)

BY S.K. MALHOTRA, MEMBER (A):

This RA has been filed by the applicant seeking review of the order dated 17.2.2005 in OA 1761/2004.

2. In the above OA, the request of the applicant to treat his absence as duty for the period from 15.11.1999 to 21.8.2001 and grant him salary for this period was not accepted and the OA was dismissed. In this Review Application filed by the applicant, the plea taken by the applicant is that he was not allowed to join duty by the respondents and as such he cannot be denied salary for the

Q

said period. It has also been stated that the applicant has now been able to lay his hands on a letter dated 20.9.1999 issued by the KVS to show the strength of different schools. In the said letter it has been envisaged that there would be no Work Experienced Teacher (WET) in a one section school and since there was no vacancy in the school in which he was transferred he was not allowed to join his duty for which he was not at fault. The review of the order has been sought mainly on this ground.

3. We have gone through our order dated 17.2.2005. After taking into consideration all the relevant facts and circumstances of the case, we were not convinced that the applicants had really gone to join the duty, where he was transferred, as claimed by him. The pleas^{es} now taken by him were considered at length before taking a final view in the matter. He remained unauthorizedly absent for about one year and nine months. The letter dated 20.9.1999 (Annexure A-4) now produced by him showing the KVS staff strength of different schools cannot be of any help to him. The application had failed to produce any authentic document to the effect that he had reported for duty at the place and he was prevented from performing his duty.


4. An order can be reviewed only if ~~any~~ there is an error apparent on the face of the record or on discovery of new and important material which was not available to the review applicant at the relevant time. No such glaring mistake has been pointed out in the R.A. It appears that the applicant by means of this Review Application is only trying to re-open the case on merits, which is not permissible under the Rules.

5. In case the applicant is not satisfied with the order passed by the Tribunal, remedy lies elsewhere. On this aspect of the matter, we are relying on the judgement of the Hon'ble Supreme Court in the case of Union of India & Others vs. Tarit Ranjan Das [2004 SCC (L&S) 160].

6. Having regard to the above, the Review Application is dismissed in circulation, without issuing notice to the respondents.


(S.K. Malhotra)
Member (A)

/gkk/


(Shanker Raju)
Member (J)