



**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

RA No. 115/2005

in

OA No.813/2004

MA No. 987/2005

New Delhi, this the 26<sup>th</sup> day of May, 2005.

**Hon'ble Mr. V.K. Majotra, Vice Chairman (A)**  
**Hon'ble Mr. Shanker Raju, Member (J)**

Krishna Murari Sharma,  
S/o Sh. M.L. Sharma,  
C/o Dr. R.C. Sharma,  
38, Hari Nagar, Maholi Road,  
Mathura – 281 004.

-Applicant

-Versus-

Union of India through

1. Secretary to Govt. of India,  
Ministry of Human Resources Development,  
Kendriya Vidyalaya Sangathan Wing,  
Shastri Bhawan, New Delhi.
2. The Commissioner,  
Kendriya Vidyalaya Sangathan,  
18, Institutional Area,  
Shaheed Jeet Singh Marg,  
New Delhi – 110 016.
3. The Assistant Commissioner,  
Kendriya Vidyalaya Sangathan  
Regional Office, 92-Gandhi Nagar Marg,  
Bajaj Nagar, Jaipur – 302 015,
4. The Principal,  
Kendriya Vidyalaya No. 2,  
Kota (Rajasthan)

-Respondents

**ORDER (By Circulation)**

**Mr. Shanker Raju, Member (J):**

The present R.A. has been filed by the review applicant seeking review  
of our order dated 18<sup>th</sup> November, 2004 passed in OA-813/2004.

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2. MA No. 987/2005 filed by the review applicant for condonation of delay is allowed.

3. We have perused our order dated 18.11.2004 and do not find any error apparent on the face of record or discovery of new and important material which was not available to the review applicant even after exercise of due diligence. If the review applicant is not satisfied with the order passed by the Tribunal, remedy lies elsewhere. The Apex Court in **Union of India v. Tarit Ranjan Das**, 2004 SCC (L&S) 160 observed as under:


“13. The Tribunal passed the impugned order by reviewing the earlier order. A bare reading of the two orders shows that the order in review application was in complete variation and disregard of the earlier order and the strong as well as sound reasons contained therein whereby the original application was rejected. The scope for review is rather limited and it is not permissible for the forum hearing the review application to act as an appellate authority in respect of the original order by a fresh order and rehearing of the matter to facilitate a change of opinion on merits. The Tribunal seems to have transgressed its jurisdiction in dealing with the review petition as if it was hearing an original application. This aspect has also not been noticed by the High Court.”

4. All the requirements of the Rules have been satisfied particularly of Article 81(b) of the Education Code of Kendriya Vidyalaya. The decision, in all fours, has been rendered on the basis of the decision of the Apex Court in **Avinash Nagra v. Navodaya Vidyalaya Samiti**, (1997) 2 SCC 534 as well as **Director, Navodaya Vidyalaya Samiti & Ors. V. Babban Prasad Yadav & Anr.**, 2004 (2) SCALE 400. Immoral conduct of the applicant to have attempted to sexually molest a child of tender age is an act, which warranted punishment imposed upon the applicant, *and* is commensurate with the misconduct.



5. Having regard to the above, RA is bereft of merit and is accordingly dismissed in circulation.

  
(Shanker Raju)  
Member(J)

  
(V.K.Majotra) 26/5/05  
Vice Chairman (A)

'Na'