

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

RA 148/2005  
MA 1425/2005  
OA 1641/2004

(9)

New Delhi, this the 30th day of January, 2006

**Hon'ble Shri Justice B. Panigrahi, Chairman**  
**Hon'ble Shri N.D. Dayal, Member (A)**

1. Govt. of NCT of Delhi & Others  
through its Chief Secretary (Home)  
Delhi Administration, Delhi Secretariat,  
ITO, New Delhi.
2. DG-cum-IG (P), Prison Headquarters  
Jail Raod, New Delhi.

...Review Applicants

(By Advocate Shri Vijay Pandita)

**V E R S U S**

Shri Mahabir Singh  
S/o Shri Mangal Ram  
Warder – 534  
R/o A-28, Camp Jail, Tihar  
New Delhi – 110 064.

...Respondent in OA

(By Advocate Shri DS Mahendru,  
proxy for Shri RP Luthra)

**ORDER (ORAL)**

**Shri Justice B. Panigrahi,**

In this Review Application, the sole grievance of the review applicants is that while disposing of OA 1641/2004 on 1.3.2005, the Tribunal did not take notice of the order of the appellate authority dated 7.1.2004 although it had considered the order dated 16.1.2004. Shri Vijay Pandita, learned counsel for the respondents has submitted that inadvertently the respondents in OA have failed to bring to the notice of the Tribunal the detailed and speaking order passed by the appellate authority dated 7.1.2004. As a reason thereof the Tribunal was persuaded to quash the order dated 16.1.2004. But the order is silent with regard to the appellate authority's order dated 7.1.2004. It is to be impliedly presumed that Tribunal did not consider the impact of the appellate authority's order dated 7.1.2004 while disposing of this OA. It has been further contended that since the appeal has already been disposed of by passing a reasoned order, there appears to be no ground to re-open the matter by the appellate authority by giving further chance to the applicant. It has been further stated that the order dated 16.1.2004 was not passed by the appellate authority but by the Officer-Incharge, Vigilance Cell of Tihar Jail pursuant to the order passed by the appellate authority. Shri D.S. Mahendru, learned proxy counsel for the respondent in RA (original applicant) has submitted that while disposing of



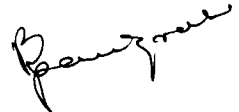
the main application, Tribunal not only took into consideration the order dated 16.1.2004 but also order dated 7.1.2004 but it inadvertently has not been quashed.

2. Upon hearing both the learned counsel for the parties and after going through the order placed before us, we find that the order dated 16.1.2004 has been quashed which was passed pursuant to the order dated 7.1.2004. At any rate, when there has already been direction to the appellate authority to dispose of the matter afresh after following the rules, in such an event, we fail to appreciate the stand taken by the respondents to re-open the case. Accordingly, RA stands dismissed with directions to the respondents to dispose of the appeal by giving a further opportunity to the applicant within a period of three months from the date of receipt of a copy of this order. Accordingly, the order dated 7.1.2004 is quashed.



**(N.D. Dayal)**  
**Member (A)**

/vikas/



**(B. Panigrahi)**  
**Chairman**