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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

R.A.No.157/2005
O.A.No.751/2004

Hon'ble Shri Justice B. Panigrahi, Chairman
Hon'ble Smt. Chitra Chopra, Member (A)

New Delhi, this the 1st day of August, 2006

Shri N.S. Kain,
S/o Late Shri B. Singh,
R/o 15, B-1/67, F.F. Charmwood,
Village Faridabad
(Haryana)

..... Applicant

(By Advocate: Shri A.K. Bhardwaj, proxy for Shri M.K. Bhardwaj)

Vs.

Union of India through

1. The Home Secretary,
Govt. of India,
Ministry of Home Affairs,
North Block, New Delhi.

2. The Chief Secretary,
Govt. of NCTD,
Delhi Secretariat,
I.P. Estate, New Delhi.

..... Respondents

(By Advocate: Ms. Jyoti Singh, for respondent no.1 and
Shri Duli Chand, for respondent no.2)

O R D E R(Oral)

By Justice B. Panigrahi, Chairman

This is a review application filed under Sections 17(1) and 17(2) of the
CAT (Procedure) Rules, 1987. The applicant filed O.A.751/2004 challenging the

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order of suspension and rejection of his subsequent representation followed by order dated 20.2.2002, as illegal, unlawful and irregular. He further claimed full salary for the period of suspension. It appears that the applicant had previously filed O.A.No.1107/2002 and this Tribunal vide order dated 31.12.2002 quashed the suspension order. The order of suspension however continued even after the aforesaid order passed by the Tribunal. The respondents challenged the order of the Tribunal dated 31.12.2002 by filing a Writ Petition before the Hon'ble High Court being CWP No. 2430/2003. The Delhi High Court passed an interim order that the applicant shall not be treated as on duty but he shall be paid pensionary benefits. Respondents sanctioned the provisional pension, group insurance, leave encashment and GPF in favour of the applicant. The Hon'ble High Court had set aside the order passed by the Tribunal on 31.12.2002 but permission was granted to bring to the notice of the Tribunal any subsequent events which took place during the pendency of the Writ petition. Therefore by virtue of the aforesaid order, the applicant has filed the present case.

2. Shri Bhardwaj, the learned counsel appearing for the applicant has submitted that the propriety of the suspension order was not considered while recording the judgment in O.A. No. 751/2004. But we notice that such contention is not tenable in view of the findings recorded by the Tribunal in para 12 of the judgment passed in the aforesaid O.A., which reads as under:

"12. The first and foremost question that comes up for consideration is as to whether the suspension orders are valid or not? At this stage, it is relevant to mention that the applicant even had filed OA1107/2002 which he had withdrawn on 29.1.2004 with liberty to file a fresh application

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with all legal and factual pleas available in law. It was allowed."

3. The Hon'ble High Court has granted leave to the applicant to raise the pleas, which arose subsequently after filing of the Writ petition but the learned counsel was unable to place any single material about the subsequent events which took place during the pendency of the Writ Petition in the High Court.
4. There is no error apparent on the face of the record. Accordingly the review application is dismissed.

(SMT. CHITRA CHOPRA)
Member (A)

(B. PANIGRAHI)
Chairman

/kdr/