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Central Administrative Tribunal, Principal Bench, New Delhi

R.A.No.305/2004 in
O.A.No.2013/2004

New Delhi, this the 30th day of November, 2004

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

R.L. Ghera,
Executive Engineer (Civil), Group - A,
S/o late Shri Khushi Ram,
R/o BG-12/B, DDA Flats, Munirka,
New Delhi-67

....Applicant

Versus

1. Union of India, through
The Secretary,
Ministry of Communication & Information Technology,
Deptt. of Tele-communications,
Sanchar Bhawan,
New Delhi
2. Chairman & Managing Director,
MTNL, Jeevan Bharti Building,
Connaught Place,
New Delhi-1

....Respondents

Order (By Circulation)

Justice V.S. Aggarwal, Chairman

The applicant had filed O.A.2013/2004. On 23.8.2004, the same was disposed of.

2. The applicant seeks review of the said order contending that he and his counsel had believed that liberty was given as per law that they could file a fresh O.A. and secondly, the decision of the Supreme Court in the case of Bengal Immunity

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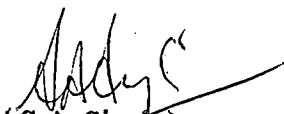
Compassy Limited v. The State of Bihar and Ors., 1955 (2) SCR 603 could not be ignored. It had taken a view contrary to the decision in Union of India v. Rajiv Kumar, (2003) 6 SCC 516.

3. Perusal of the record reveals that applicant had earlier filed O.A.1702/2004. The same had been withdrawn with liberty to take appropriate remedy as per law. No permission had been granted to file another O.A. on the same facts. Therefore, the said application was not maintainable.


4. Otherwise also in the case of Union of India vs. Rajiv Kumar (supra), a specific finding had been arrived at and it was in accordance with the same that O.A.No.2013/2004 was disposed of. We find little ground to hold that the said decision did not bind this Tribunal.

5. However, there is a typographical mistake in the order and it is directed that the date of arrest in second line of the order which has been typed as 20.9.2004, should be read as 25.9.2004. There is another typographical mistake where the word 'illegal fiction' has been typed. It should be read as 'legal fiction'.

6. Therefore, though there is no ground to review, these two inadvertent typographical mistakes are directed to be corrected.


(S.A. Singh)
Member(A)

/dkm/


(V.S. Aggarwal)
Chairman