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**CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH**

**Review Application No.315/2004**  
**Original Application No.81/2004**

**New Delhi, this the // 4 day of May, 2005**

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

Jai Kishan  
Constable of Delhi Police  
(PIS No.28920202)  
r/o 9-A, N-Block  
Opp. Nanak Paio  
Gopal Nagar, Nazafgrah  
New Delhi - 43. ... Applicant

Versus

1. Govt. of NCT of Delhi  
Through its Chief Secretary  
Delhi Secretariat  
IP Estate  
New Delhi.
2. Commissioner of Police  
Police Head Quarters  
IP Estate, New Delhi.
3. Jt. Commissioner of Police  
Armed Police, PHQ  
IP Estate  
New Delhi. ... Respondents

**O R D E R (By Circulation)**

**By Mr. Justice V.S. Aggarwal:**

Applicant (Constable Jai Kishan) had filed Original Application No.81/2004. It was dismissed on 25.10.2004.

2. Applicant seeks review of the same contending that it is admitted in the pleadings that there was a preliminary inquiry that was held.

*ls Aggarwal*

3. Perusal of the pleadings show that there is no unambiguous admission. When the applicant asserted that there was a preliminary inquiry, respondents' reply was that it is a matter of record. In questions which are mixed questions of law and fact, since there is no unambiguous admission, it cannot be taken to be so in the facts of the present case.

4. It has been further asserted that some of the pleas raised have not been considered. It is indeed ~~that~~ getting wiser after all the event. All contentions raised at the time of arguments had been considered.

5. The other pleas raised in the review pertain to the merits of the matter.

6. Review would be permissible, if on the face of it, a mistake can be detected. It is not an appeal against the same order. Therefore, the other contentions necessarily must be rejected.

7. As regards the fact that matter has been referred to the Full Bench, indeed, the said controversy has been set at rest and Full Bench has since been pronounced. Otherwise also, even if there is an erroneous decision, it will not permit this Tribunal to recall the order.

8. Resultantly, the Review Application must fail and is dismissed in circulation.

  
(S.A. Singh)  
Member (A)

  
(V.S. Aggarwal)  
Chairman

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