

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW DELHI

Dated: 8.10.1993

R.A. OA/TA/TA/CCP No. 22/93

O.A.no. 790/92

APPLICANT (S) J.C. Verma COUNSEL : Shri J.C. Mongia

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## VERSUS

Delhi Administration

RESPONDENT (S)

Proxy COUNSEL Ms. Sumedha Sharma for  
Mrs. Avnish Ahlawat

Date	Office Report	Orders
		<p style="text-align: center;"><u>ORDER</u></p> <p>This review application has been filed by the respondent in O.A. No. 790/92 on the basis of fresh information gathered by them in the form of documents which were not within the knowledge of the respondents at the time when the original application was <del>filed</del> finally heard on 22.9.92 and the orders were reserved. Along with review application the respondents have also filed the letter of Mansoor Ali Syed dated 24.12.92, the statements of SI, Indrapal Singh, Constable Jagdish Prasad, orders sheet of Criminal Court dated 29.4.92, summons issued in # FIR 98/90 under Section 308/34, IPC, personal bond of Jai Chand, charge sheet, conviction seal used for criminal case order passed by Shri J.P. Singh, Additional Sessions Judge, Sahdara, statement of Zile Singh, Statement of Smt. Samudri, etc.etc. In the <del>review</del> <del>revision</del> application it is prayed that in view of these documents not within the knowledge of the respondents there is an error apparent on the face of the record while delivering judgment on the OA No. 790/92 by the order dated 15.10.92. A notice was issued to the applicant in OA No. 790/92 i.e. Jai Charan Verma who is an employee</p> <p style="text-align: right;">(PTO)</p> <p style="text-align: center;">6</p>

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	Contd....	<p style="text-align: center;">50</p> <p>of Delhi Police on the post of Sub-Inspector.</p> <p>2. Along with this review application an application for condonation of delay has also been filed as there has been some delay in filing this review application within the time prescribed under Rule 17 of CAT Procedure Rules 1987. The opposite party, that is, the original applicant has filed objections to both the review application as well as the application for condonation of delay. However, in the circumstances the delay is condoned.</p> <p>3. We have heard the learned counsel for the applicant in original application, Shri J.C. Mongia and the proxy counsel for Mrs. Avnish Ahlawat for the respondents. Obviously the decision in OA 790/92 has taken into account the affidavit filed by the employee SI Jai Charan Verma on 25.9.92. The affidavit is mentioned in judgment to arrive at the conclusion to give relief to the original application. In para 6 of the said judgment it is mentioned that neither any departmental inquiry nor any court case was pending against the SI Jai Charan Verma after the orders have been passed on 11.10.91 and as a result thereof <u>sealed</u> cover in respect of the employee should have been opened by the respondents. In para 6 there is a mention that the employee has placed on record affidavit in support of the above contention. This affidavit filed by the employee on 25.9.92 has very much affected the conclusion we had reached in giving</p> <p style="text-align: right;">.....3..</p>

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Date	Office Report	Orders
	Contd.....	<p>is the sole arbiter to judge the identity of the accused persons facing trial before it. Whether it is the applicant i.e. the employee SI or it is another person has to be judged by the Criminal Court. In case of acquittal, matter needs no <del>forsee</del> and otherwise the consequences will follow which will by itself be evident by the ultimate order of the criminal court.</p> <p>7. In view of the facts and circumstances, the judgment on OA 790/92 passed by the Principal Bench on 15.10.92 is reviewed and recalled. The O.A. shall remain pending and registry shall list the same after the decision by the Criminal Court is received.</p> <p><i>B</i> ( B.K. Singh ) M (A)</p> <p><i>J.P.</i> ( J.P. Sharma ) M (J)</p> <p><u>8/12/95</u> <i>Proxy.</i> At the request of <del>the</del> on behalf of the respondents, adjourned to 22/12/95.</p> <p><i>A.V. Harsidharan</i> ( A.V. Harsidharan ) V.C (D)</p>