

Central Administrative Tribunal
Principal Bench
New Delhi

RA-218/96 in OA-898/92

Friday, this the 9th day of December, 1996

(29)

Hon'ble Shri K.Muthukumar, Member (A)
Hon'ble Shri T.N.Bhat, Member (J)

Shri Purshottam Dass
s/o late Sh. Adil Ram,
R/o E-2, Type-IV, New Police Lines,
Kingsway Camp Delhi. ...Review applicant
(By Shri Shanker Raju, Advocate)

- Versus -

1. Union of India through
Secretary,
Ministry of Home Affairs,
North Block,
New Delhi.
2. Lt. Governor of Delhi,
Rajniwas Marg,
Delhi. ...Respondents

ORDER (By circulation)

Hon'ble Shri T.N.Bhatt, Member (J) --
This review application has been filed by the
applicant in OA No. 898/92 seeking review of the
judgement and order passed by this Bench of the Tribunal
on 22.11.1996 by which the OA filed by the applicant was
only partly allowed and the respondents were directed not
to proceed with the disciplinary enquiry against the
applicant unless a copy of the truncated Kapoor-Mittal
Committee report is furnished to the applicant.

2. In the R.A. the applicant has taken ⁱⁿ plea
that some of the contentions made by him during the course
of arguments were not taken note of. It was observed by
us in the judgement-~~and~~ order that the main contention
raised on behalf of the applicant was that the
charge-sheet had been issued in contravention of the

directions given earlier by the Tribunal in OA No. 277/92 and a bunch of seven other OAs. It is true, as mentioned in the RA, that the applicant had in OA No. 898/92 taken several pleas including the correctness of the charge-sheet and the alleged inordinate delay in issuance thereof. But it is equally true that when arguments were and advanced it was pointed out to the learned counsel appearing for the applicant that intervention at an interlocutory stage in any disciplinary proceedings would not be in accordance with law in view of the facts and circumstances of the case, the learned counsel pressed the contention that the chargesheet should be quashed as the respondents have not followed the directions given by the Tribunal while disposing of the earlier OA. This contention was duly considered but rejected.

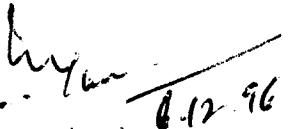
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3. As regards the delay, it was also pointed out to the learned counsel for the applicant that delay is not fatal in all cases and that it depends upon the gravity of the allegations and such other circumstances that the question of delay could be considered. It needs to be stated here that in OA - 277/92 and a bunch of seven other OAs ~~and~~ also similar pleas had been taken by the applicants, but while disposing of those OAs the Tribunal refused to go into those questions and found it unnecessary to go into the merits of the several contentions advanced before that Bench including the contention regarding inordinate delay.

4. We are convinced that no grounds for review of the order dated 22.11.1996 have been made out. There is no error apparent on the face of the record nor has any

fresh evidence been discovered which was not available to the applicant despite exercise of due diligence at the time of hearing of the OA.

5. In view of the above, we find no merit in this RA which is accordingly dismissed, by circulation.


(T.N.Bhat)

Member (J)


(K.Muthukumar)

Member (A)

/na/