

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

R.A. NO.271 OF 1995 IN
O.A. NO.944 OF 1992

(A)

NEW DELHI THIS THE 6th DAY OF ~~JULY~~ June, 1997

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)
HON'BLE MR. K. MUTHUKUMAR, MEMBER (A)

Shri Azim Ullah
S/o Shri Ali Baksh,
R/o C/o Shri Surat Singh Yadav,
House No.85/A, Krishan Kunj,
Laxmi Nagar,
Delhi-110 092.

...Review Applicant

By Advocate Shri B.S. Mainee

Versus

Union of India through

1. The General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway,
Moradabad.

...Respondents

By Advocate Shri P.S. Mahendru

ORDER

HON'BLE MR. K. MUTHUKUMAR, MEMBER (A)

The applicant seeks a review of the order dated 22.8.1995 passed in O.A. No. 944 of 1992 on the ground that the Tribunal have not taken into account the plea of the applicant that the disciplinary authority did not supply the copy of the enquiry report to the applicant before passing the impugned penalty order dated 10.9.1991 and had, therefore, not taken into account the effect of the judgment in Managing Director, ECIL Vs. U.O.I. and Others, SLJ 1993 (3) page 193. The other ground taken by the applicant is that in view of the findings given by the Tribunal on facts as well as on law, remitting the matter back to the appellate authority could be, only an exercise in futility. The applicant also points out that the

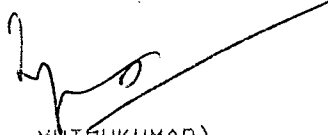
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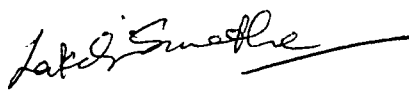
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.2.

Tribunal had not considered the plea of the applicant that the Enquiry Officer was prejudiced but the Tribunal had come to the conclusion that there was no personal enmity of the Enquiry Officer and, therefore, the Tribunal should have taken into account the judgment of the Supreme Court in Indrani Bai Vs. U.O.I., ATC 1994(27) page 755.

2. The Tribunal by its order, had remanded this case to the appellate authority after considering the facts and circumstances of the case and law. In such circumstances, we do not find any error or omission warranting a review of our order under Order 47 Rule 1 CPC. If the applicant is not satisfied with the decision of the Tribunal to remand his case to the appellate authority, the remedy does not lie in a review application. Accordingly, the Review Application is rejected.


(K. MUTHUKUMAR)
MEMBER (A)


(MRS. LAKSHMI SWAMINATHAN)
MEMBER (J)

RKS