

(12)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

R.A. No. 398 of 1992 in OA 1233 of 1992

Commissioner of Police vs. Jitender Pal Singh

This R.A. has been filed by the counsel for the respondents, Delhi Police, for reviewing the judgment passed in OA No. 1233/92 dated 12.11.92. The judgment was based upon the principles laid down in the case of Shamsher Singh (1974 SCC (L&S) 550) and in the case of Mrs. Sumati P. Shere (1989 (1) SCALE 963). Another judgment of the Supreme Court delivered in the case of Jarnail Singh (1986 (3) SCC 277) was also considered. Hence, this judgment was based upon the principles laid down by the apex court. In this judgment, the choice was left in the last para to the respondents that they may proceed against the applicant in accordance with law and proceed with the departmental enquiry. It was also directed in this judgment that though the applicant shall be reinstated, he shall not be paid for the period he has not worked. The sole contention of the petitioner respondents is that a judgment was delivered by another Bench of this Tribunal on 29.10.92. Hence, a similar judgment be passed. We have perused the judgment. That judgment was delivered on its own facts and circumstances and in each case the veil has to be lifted to see the foundation of the order. The R.A. has, therefore, no merit.

2. It is settled that a judgment acquires a finality after it is delivered and signed and cannot be reviewed on the grounds raised by the petitioners. The petitioners also contend that from their side, entire facts and law could not be placed. Hence, on this ground also the judgment be reviewed. Counsel for the respondents was fully heard and then the judgment was delivered. We see no force in this R.A. It is, therefore, dismissed.

3. However, there arises no question of condoning the delay in filing this R.A.

Ram Pal Singh 6.1.93
(RAM PAL SINGH)

VICE-CHAIRMAN (J)

I.P. Gupta 6/1/93

Hon'ble Member, Shri I.P. Gupta