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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

REVIEW APPLICATION NO 427/93
ORIGINAL APPLICATION NO. 1247/92

New Delhi this the 17.11.1993
THE HON'BLE MR. J.P. SHARMA, MEMBER (J)
THE HON'BLE MR. N.K. VERMA, MEMBER (A)

Shri Mahi Pal Singh No. 99/Ne
Son of Shri Kundan Singh,
Resident of Village & P.O. Luhari,
P.S. Barraut Distt. Meerut (U.P.) .. Petitioner
(By Advocate Shri Shanker Raju)

Vs.

Delhi Administration through
Additional Dy. Commissioner of Police,
North-East District, Shahdara,
Delhi. .. Respondents
(By Advocate Shri Ashoka Jain)

ORDER

Hon'ble Mr. J.P. Sharma, Member (J)

The petitioner has sought review of the judgement dated 30.7.1993 by which the original application No. 1247/92 filed by the applicant assailing the order of his dismissal from service dated 7.4.1992, was dismissed as devoid of merit.

In the grounds taken by the applicant it is averred that the deceased Darshan Lal not brought by the applicant and was not tortured by the applicant. It is stated that the said Darshan Lal was picked up by constable Anand Parkash Tyagi and the said constable considerably tortured him. The other ground taken is that there is an observation in the order in the facts of the case that the relatives of the deceased were not allowed to meet him. It is further taken as a ground that the reasons of the appointing authority though to be looked from the angle that it should not be unreasonable as inferred by a prudent man while the reasoning of not

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holding departmental enquiry is not of that magnitude. We have gone through the grounds taken by the review applicant. The matter has been fully discussed in the detailed judgement in the light of the latest cases decided by the Hon'ble Supreme Court. A reference is invited from Page 3 of the judgement under review to page 11 of the said judgement. It is needless to give second time the same reasoning in this order as the points have already been covered in the aforesaid judgement. It was a case of death in police custody and there was a vicarious liability as the applicant was Member of the Anti Auto theft Squad alongwith other police personnel.

A review application lies :

- 1) When there is an error apparent on the face of the Judgement.

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(ii) discovery of new material evidence which were not in the knowledge of the aggrieved party at the time of the hearing of the matter and wants to rely upon the same; and (iii) on analogous matters. The case of the petitioner does not come under any of the above grounds. The applicant has only reiterated the same grounds which he had taken in the O.A. as grounds for review, which is not permissible. The case cannot be opened again for fresh arguments. The review application, therefore, is devoid of merit and is dismissed by circulation.

N.K.Verma
(N.K. Verma)
Member (A)

J.P.Sharma
(J.P. Sharma)
Member (C)

17.11.93