

By Circulation

CENTRAL ADMINISTRATIVE TRIBUNAL, ADDITIONAL BENCH
ALLAHABAD

DATED: THIS THE 29 DAY OF JANUARY, 1997

Coram : Hon'ble Mr. S. Das Gupta AM
Hon'ble Mr. T. L. Verma JM

REVIEW APPLICATION NO. 76 OF 1996

IN

ORIGINAL APPLICATION NO. 1842 of 1993

H. S. Verma Versus Union of India & Others
C/A Sri R.K.Nigam

ORDER

Hon'ble Mr. S. Das Gupta A.M.

This application has been filed seeking review of the judgment and order dated 20.12.1995 by which O.A. No.1842 of 1993 was dismissed. in limine.

2. The aforesaid O.A. was filed challenging the disciplinary proceedings initiated against the applicant after he had already retired from service. In view of the fact that such proceedings could have been initiated even after the applicant's retirement and there was no apparent irregularity in the procedure adopted by the Opposite parties, the Tribunal took the view that the application was premature and it was accordingly dismissed. It was further observed that the applicant would have ^{an} ~~been~~ ~~given~~ opportunity to defend himself in the enquiry and to prove his innocence.

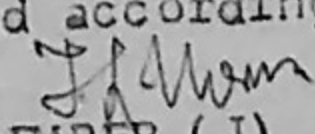
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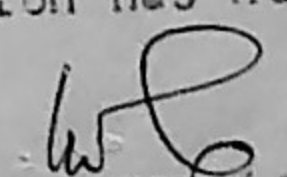
3. In the review application, it has been stated that the applicant is totally handicapped and is confined to bed since long. In these circumstances, he had demanded that his statement be recorded at his residence. However, the Enquiry Officer did not turn up nor sent any officer to obtain statement of the applicant and he is not aware what ultimately transpired in the ex-parte enquiry.

4. The judgment and order already delivered can be reviewed only, if it is shown to suffer from any patent error apparent on the face of the record or in case new ~~fact~~ ^{fact} is brought out warranting such review, provided such facts could not be brought out earlier despite exercising due diligence.

5. In the submissions made in the review application, there is nothing to indicate that the judgment and order suffers from any error apparent on the face of the record. Also no new fact has been brought out which would warrant review of the impugned judgment and order. If the applicant was unable to move out of his bed to attend the enquiry, it was for him to make representation in this regard to the competent authority. In case, he is denied adequate opportunity to defend himself in the enquiry such proceeding can be challenged after the disciplinary action is brought to a conclusion and any adverse order is passed.

6. This review application has no merit and is dismissed accordingly.


MEMBER (J)


MEMBER (A)

SQI