

Open Court.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,  
ALLAHABAD.

....

Review Petition No. 45 of 1998

In

Original Application No. 1139 of 1992.

this the 15th day of January 2002.

HON'BLE MR. S. DAYAL, MEMBER(A)  
HON'BLE MR. RAFIQ UDDIN, MEMBER(J)

Gyan Singh

...

Applicant.

By Advocate : Sri S. Dwivedi

Versus

Union of India & Others

Respondents.

By Advocate : Sri P. Mathur.

O R D E R (ORAL)

BY HON'BLE MR. S. DAYAL, MEMBER(A)

This Review application has been filed for reviewing the judgment dated 22.11.1996 dismissing the O.A. as lacking in merits. The O.A. was filed by the applicant challenging the impugned order of dismissal from service.

2. The learned counsel for the applicant has been heard. He states that the judgment suffers from the errors apparent on the face of the record.

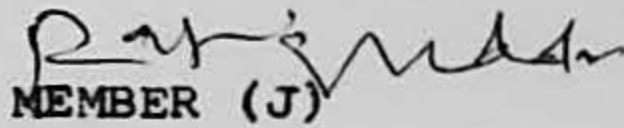
3. The learned counsel for the applicant states that the applicant had been acquitted in all the criminal cases, but the judgment given in the said criminal cases was not considered by the Tribunal. It is mentioned by the learned counsel for the applicant that in four criminal cases, the judgments had been pronounced prior to the hearing of the application and only in one case the judgment was pronounced on 12.4.1997, which was after the application had been heard. The learned counsel for the applicant has mentioned that the judgment had not been filed by the erst-while counsel for the applicant and thus, the same were not brought to the notice of the Tribunal. The applicant was advised to file a Review petition,

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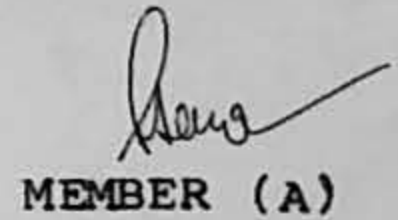
but the counsel who had advised regarding filing of Review petition did not do so and thereafter the present counsel was contacted by the applicant. The learned counsel for the applicant also states that the Tribunal did not consider the case of the applicant, but relying upon the version of the respondents and passed the order.

4. We find from the order of the Tribunal that the applicant had been dismissed by invoking the provisions of Rule 14(2).

5. Since the learned counsel for the applicant has filed Review petition under mis-taken assumption that the co-ordinate Bench can go into the merits of the case as decided by another Bench, the Review petition is clearly filed under mis-taken assumption. We do not find any ground on which the order of the co-ordinate Bench can be reviewed and dismiss the Review petition.

  
MEMBER (J)

GIRISH/-

  
MEMBER (A)