

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

REVIEW APPLICATION NUMBER 93 OF 2004

IN
ORIGINAL APPLICATION NUMBER 14 OF 2004

ALLAHABAD, THIS THE 20th DAY OF DECEMBER, 2004

HON'BLE MRS. MEERA CHHIBBER, MEMBER (J)
HON'BLE MR. S. C. CHAUBE, MEMBER (A)

Narendra Singh Yadav,
s/o Srishiv Raj Singh Yadav,
resident of village Nangla Gangi,
P.O. Sakit, District-Etah.Applicant
(By Advocate :Shri A.B.L. Srivastava)...

V E R S U S

1. Union of India through the Secretary, Department of Post, Ministry of Communication, cum Director General Post, Dak Bhawan, New Delhi.
2. The Superintendent of Post Offices, Etah.
3. The Sub Divisional Inspector, Post East Sub Division, Etah.

....Respondents

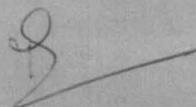
(By Adv. Shri R.R.K. Mishra)

O R D E R

By Hon'ble Mrs. Meera Chhibber, J.M.

This R.A. has been filed by the applicant against judgment dated 26.08.2004 with the prayer to drop para-9 of the order or to set aside the word put off duty appearing in para -9 of the impugned order and liberty allowed to respondents be made subject to report of handwriting expert holding the signature of review applicant on the reverse of Annexure CA-2 of the Counter.

2. We have perused the R.A. wherein applicant has tried to state that the judgment is wrong or that some expressions should not have been used or judgment should be passed in a particular manner. He has also taken new points in the R.A., which is not at all permissible. We are afraid such contentions cannot be accepted nor



review can be entertained on these grounds. The scope of review is very limited and it cannot be filed to re-argue the case or to ask the court to change its views. We have already expressed our view and cannot sit in appeal over our own orders.

3. We have passed the order consciously keeping in view the judgment of Hon'ble Supreme Court reported in 2003 SCC (L&S) 1033 wherein it is held as under:-

"Reinstatement/Bank wages/Arrears -
Reinstatement and back wages - Order in respect of, if could be made when due to non-furnishing of the enquiry report to the delinquent the court directs the authority concerned to comply with the principles of natural justice- Held, no reinstatement nor back wages need be paid when the court direct that the principles of natural justice should be followed-Back wages."

As also the judgment reported in 2004(7)SCC 581 wherein it was held as under:-

"Therefore, the impugned orders of the Hon'ble High Court to the extent they direct reinstatement in service of the respondents with full monetary dues are set aside. It is directed that in accordance with the legal position explained in para 31 of the case of B.KARUNAKAR there would be a formal reinstatement of the employee for the limited purpose of enabling the employer to proceed with the enquiry from the stage of furnishing him with the copy of the enquiry report. The employer can place him under suspension for completing the enquiry. After conclusion of the enquiry in the manner as directed in the case of B. KARUNAKAR if the employee is exonerated, the authority shall decide according to law how the intervening period from the date of his dismissal to the date of his reinstatement shall be treated and what consequential benefits should be granted."

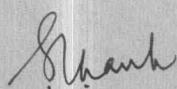
Therefore, it cannot be said that there is any error in judgment on the face of record. If applicant is not satisfied with the judgment, his remedy is elsewhere.

Review is definitely not the remedy. Moreover, we have not given any findings on the merits of the case as every thing is open for the applicant. He can always take all the legal points which he thinks are available to him whenever show cause notice is given to him as

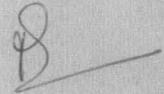


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liberty is given to the respondents to give show cause notice to the applicant before taking any action against him. We have quashed the order of termination because no opportunity to defend was given to the applicant and that is a technical ground, therefore, we find no merit in the Review Application. The Same is accordingly, dismissed in circulation.



Member (A)



Member (J)

shukla/-