

Under Circulation

**CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD**

REVIEW APPLICATION NO. 68 OF 2005

IN

ORIGINAL APPLICATION NO. 942 OF 1997

THIS THE 07¹⁵ DAY OF FEBRUARY, 2006.

HON'BLE MR. D.R. TIWARI, MEMBER (A)
HON'BLE MR. K.B.S. RAJAN, MEMBER (J)

R.N. Singh Chauhan ... Applicant
Versus. Thro K.N. Kaliyar, Advocate
Union of India & Others ... Respondents

By K.B.S. RAJAN, MEMBER (J)

ORDER

BY K.B.S. RAJAN, MEMBER-J


The above Review Application has been filed on various grounds interalia that the applicant has relied upon as many as eight judgments whereas only two have been referred to in the order under review. In particular, the law laid down in the case of Ajit Babu, has been emphasized to press into service that precedent should be considered while passing a final order. It is true that in para 13 references to two orders have been mentioned as the same was highlighted at the time of final hearing. At the

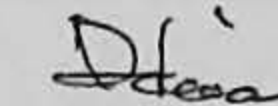
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same time, when the written arguments were considered, the other judgments have also been gone through, but the same are in no way assisting the applicant in his case. Ajit Jain 2003 SCC (L&S) 877 prescribes that infirmity in the departmental proceedings vitiates the order of dismissal. The finding in the case of the applicant as given in para 16 is that there has been no flaw in the decision making process. Sher Bahadur Vs. Union of India 2002 SCC (L&S) 1028 mandates that the misconduct should be linked with the charged officer and the charge should be proved on the basis of evidence. Para 14 of the order under review fully meets this requirement. In Sawai Singh Vs. State of Rajasthan, the Apex Court has held that charges if vague disabling the charged officer to meet the same, cannot be sustained. In the instant case, the charges are very specific and as such the said decision is of no avail to the applicant. The decision in the S.M. Singh Vs. U.O.I. (2001 (2) SLJ (CAT) 391 relates to legal infirmity caused by non-availability of the report of CVC relied upon by the Administration. The instant case is nowhere near the decision as no documents were relied upon by the respondents which were not made available to the applicant. Ram Chandra Vs. U.O.I. 1986 SC 1173 relates to defect in the appellate order. In the instant case, no such legal lacuna could be discerned.

2. In view of the above that the order under review did not in detail reflect the other cases.

3. We see no good ground in the Review Application and the same is dismissed.


MEMBER-J


MEMBER-A

GIRISH/-