

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

Allahabad this the 7th December 1994.

Review Application no. 170 of 1988
in

Original Application no. 1157 of 1987.

Hon'ble Mr. Justice B.C. Saxena, Vice-Chairman
Hon'ble Mr. K. Muthukumar, Administrative Member.

Raghunath Prasad Yadav, S/o Late Shri B.D. Yadav,
Sub Post Master, Haliapur Sub Post Office, SPM Haliapur
Dist. Sultanpur, Vill. & P.O. Pandra Ataula, Distt
Sultanpur.

.... Applicant

C/A Shri R.K. Tiwari

Versus

1. Supdt. Posts Sultanpur.
2. D.P.S. Allahabad-1.

.... Respondents

C/R ---

O R D E R (Oral)

Hon'ble Mr. Justice B.C. Saxena, V.C.

We have heard the learned counsel for the applicant in Review Application no. 170 of 1988. In the review application three ^{factual} errors are stated to have occurred in the order passed in O.A. no. 1156 of 1987. These are:-

- a. On page no. 2 line no. 2 it is stated that an enquiry was held.

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- b. In line no. 10 of the same page it is stated that the Inquiry Officer held the applicant responsible for the loss of Rs. 3100/-.
- c. On page no. 3 line no. 2 & 3 it is stated that the misconduct of the applicant was established beyond doubt in this Enquiry.
- d. In line no. 11 of the same page it is stated that after consideration of the enquiry report.

2. In the review petition it has been stated that there was no Enquiry Officer and no enquiry report was submitted. Only preliminary enquiry was made by the concerned I.P.O. in which the applicant was not called to attend, cross examine the witnesses, submit his own defence witnesses and finally to submit his brief.

3. We have gone through the order passed in the OA no. 1157/87. The quotation indicated above do find place in the order. They have to be read in the light of the facts pleaded by the parties. The applicant was held responsible for the loss by the learned Supdt. Posts Sultanpur and he directed for the recovery of Rs. 3100/- from the applicant.

4. In the counter affidavit we find it was averred that the preliminary enquiry was held which revealed that the leather cash bag was bearing a hole in a such size that a finger can be inserted in the leather cash bag.

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It was further indicated in the counter affidavit that a charge sheet under rule 16 of the CCS (CCA rules) was served upon the applicant.

5. In the rejoinder affidavit the applicant also referred to the preliminary enquiry and also stated that the punishment order was passed holding the applicant responsible for the loss. In the rejoinder affidavit a reference to the enquiry is to be found.

6. The conclusion and observation in the order were clearly based on the pleadings of the parties.

7. In view of this, the application does not raise any ground contemplated by provision of order 47 rule 1 of CPC, which is taken into consideration for deciding the review petition.

8 Through the review petition, virtual rehearing of the merits of the case cannot be permitted. Review Petition no. 170 of 1988 is, therefore, misconceived and is rejected.

Member-A

P. Sene
Vice-Chairman

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