

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 13th day of October 1999.

Review Application no. 14 of 1998
in

Original Application no. 1595 of 1992.

Hon'ble Mr. S. Dayal, Administrative Member
Hon'ble Mr. Rafiq Uddin, Judicial Member

Surya Kant Kainthola, S/o Shri V.D. Kainthola,
Lower Division Clerk,
Lal Bahadur Shastri National Academy of
Administration, Mussoorie.

... Applicant

C/A Shri R.P. Mishra

Versus

1. Union of India
through Ministry of Personnel,
Public Grievance & Pension
Development of Personnel & Training.
2. Lal Bahadur Shastri National Academy
of Administration, Mussoorie through its
Directors.

... Respondents.


C/R ,.....

...2/-

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ORDER

Hon'ble Mr. S. Dayal, Member-A.

This is a review application, seeking recall of order passed in O.A. 1595 of 1992 dated 07.08.97.

2. By order dated 07.08.97 in O.A. 1595 of 1992 a Division Bench of this Tribunal had dismissed the Original Application.

3. In the review application, the review of the order has been sought on the ground that the conclusion reached by the Authority passing the termination order was perverted and contrary to the record of the case. Another ground on which the recall of the order was sought is that the ground of termination was not ~~existence~~^{existence} and the persons similarly situated has not been issued certificate of excellence and yet their services has not been terminated. On the other hand the applicant claims that he has been granted certificate of excellence which should have been produced by the respondents. Another ground on which recall of the order has sought is that no prior opportunity of hearing was provided to the applicant before impugned order was passed. The applicant has also mentioned that the ratio of Arun Kumar's case applied by the Division Bench of this Tribunal in passing the order are not applicable to his case.

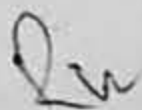
4. Learned counsel for the applicant has drawn attention to the last sentence of para 7 of the order. It is mentioned in these lines that unsatisfactory

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performance of the applicant was reflected ^{in Annexure} annexed as
annexure C-I and C-II to the counter affidavit. H

Learned counsel for the applicant seeks to rely upon
annexure 1 and 2 of his review application. These documents
are certificate of commendation issued to the applicant.
On being asked as to whether these documents were produced
before the Division Bench of the Tribunal, the answer of
the learned counsel for the applicant is in the negative.

5. In any view of the matter the grounds on which
the order is sought to be recalled are not applicable in
the application in review. Therefore, this application
for review is dismissed as lacking in merits.



Member-J



Member-A

/pc/