

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
Review Application No. 126C of 1992
(In Original Application No. 389 of 1992)
Dr. Akhtarul Alam Faizi Applicant
Versus
Union of India and Ors. Respondents

COURT:

Hon. Mr. Justice S.K. Dhaon, V.C

Hon. Mr. K. Ubayya, Member(A)

(By Hon. Mr. Justice S.K. Dhaon, V.C.)

This is an application, seeking a review of an order dated 30.6.92.

2. The order was passed after hearing the counsel for both the sides. We are directed that, in view of the statement given by Sri K.C. Sinha, learned counsel for the Union of India and Others, the Disciplinary proceedings against the applicant should proceed on the basis of Second Charge sheet and the first charge sheet shall be known + omitted

3. We had observed the right of the applicant to raise the plea that the Authority concerned acted malafide, in acting the second charge at the proper stage i.e. if and when, an order punishing the applicant was passed. Therefore, no prejudice was caused to the applicant.

4. We have recorded in our order that counsel for the applicant (Shri M A. Siddiqui) had made a statement at the Bar, on which we acted. In the affidavit, filed in support of this application, it is averred, that the applicant did not give any instructions to Shri Siddiqui to make statement which he made before us. Remedy of the applicant is not before this Tribunal. Shri Siddiqui has been duly authorised by the applicant to represent him and, therefore, we committed no illegality, in relying upon the statement made by him at the Bar.

5. No error in our order, much less than error apparent on the face of the record, exists, in our order.

6. We, therefore, dispose off this application by adopting the process of circulation as permissible under the law.

Application is rejected
Member (A)

Vice Chairman

Dated: 26th Nov: 1992:

(Uv)