

Open Court.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

....

Review Petition No. 41/7 of 1994

In re. •

Original Application No. 557 of 1994.

this the 3rd day of July'2001.

HON'BLE MR. S. DAYAL, MEMBER (A)
HON'BLE MR. RAFIQ UDDIN, MEMBER(J)

Lal Bajrang Bahadur Singh
Union of India & Others.

... Applicants.

By Advocate : Sri Ganga Ram Gupta for Sri R.C. Joshi.

Versus.

Lal Bajrang Bahadur Singh

...

Respondent.

By Advocate : Sri R.P. Singh.

ORDER (ORAL)

S. DAYAL, MEMBER(A)

This Review Petition has been filed for review of the order dated 21.4.1994 passed by this Tribunal in O.A. no. 557 of 1994.

2. In the said order, the respondents to the O.A. were directed to take the applicant on duty with immediate effect treating the order of put off duty as having ceased to be operative on expiry of 15 days from the date of its issue incase it was not confirmed by the appointing authority within this period. The learned counsel for the applicants in the review seek the order on two grounds. First is that the order of put off duty was passed by the appointing authority itself and the secondly the order in

the O.A. was passed without hearing the applicants in the review ~~who~~ were respondents in the said O.A.

3. The review of the order can be made if there is an ~~error~~ ^{apparent} error on the face of the record or some fresh evidence is dis-covered which were not ⁱⁿ the knowledge when the ~~order~~ ^{final} order was passed or it leads to substantial in justice. We find from the O.A. that there was no plea ^{that the order} taken by the applicant ~~had~~ not been confirmed by the appointing authority. The only plea was that the order was passed without affording any opportunity to the applicant. Hence, the contention of the learned counsel for the applicants in the review that the order had been passed on account of mis-representation by the applicant in the O.A. cannot be accepted.

4. The learned counsel for the applicants in the review further states that the respondents have not been able to take any disciplinary action against the respondent in the review because of the said order. We do not find any impediment to take any disciplinary action by the applicants against the respondent in the review. Hence, we dismiss the Review petition as not maintainable.

Rajiv Mehta
MEMBER (J)

Shankar
MEMBER (A)

GIRISH/-