

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 25th day of November 2003

Review Application no. 103 of 2002

Original Application no. 1182 of 2001.

Hon'ble Maj Gen K.K. Srivastava, Member-A
Hon'ble Mr. A.K. Bhatnagar, Member-J

Senior Divisional Accounts Officer,
Northern Railway, Allahabad.

... Applicant

By Adv : Sri A.K. Gaur

Versus

Chhedi Lal Chauhan, S/o late K.L. Chauhan,
R/o 773/170/2/Rajroop Pur, Distt. Allahabad.

... Respondents

By Adv : ...

O R D E R

Hon'ble Maj Gen K.K. Srivastava, AM.

This review application has been filed, for review of the order dated 7.10.2002 passed in OA no. 1182 of 2001.

The following order was passed on 7.10.2002 in OA no. 1182 of 2001 :-

"We, therefore, direct the Union of India to complete the proceedings if any, pending against the applicant within a period of three months and thereafter pass orders on his claim for treatment of period of suspension and revision of retiral benefits within a month."

2. The grounds taken by the review applicant are that since the respondents have no control over functioning of judiciary and in absence of non-availability of relied upon documents required in Disciplinary and Appeal Rules Cases from the

Court of Special judge, Anticorruption (West), Lucknow

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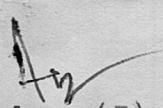
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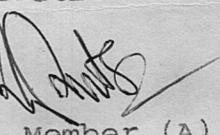
the respondents are not in a position to complete the Disciplinary Proceedings as directed by this Tribunal. Learned counsel for the review applicant further submitted that they have made serious efforts to procure the documents from the Special Court, but their efforts have ~~been~~ gone futile.¹ Learned counsel further submitted that it has been laid down by the Hon'ble Supreme Court in various cases that law does not compel a person to do which he cannot possibly comply ~~with~~ with.

3. In para 8 of the review application, the review applicant has stated that a Writ Petition was filed before Hon'ble Allahabad High Court (Lucknow Bench) who has passed the order decreeing the Anti Corruption Court to accommodate the respondents in case they give an application for providing certified copy of the relied upon document. Even then the respondents have not been given the certified copy of the relied upon documents by the Court of Special Judge AntiCorruption (West) Lucknow.

4. We have perused the review application, considered the pleas and also arguments of learned counsel for the review applicant.

5. The above grounds do not justify the review of the order sought for. The proper course for the applicant was to have sought for extension of time for compliance of the order rather than seeking for review. We have perused the order dated 7.10.2002 and we do not find that the order suffers from any error apparent on the face of record calling for our interference by way of review. The review application is rejected.


Member (J)


Member (A)

/pc/