

स.प्र.स. (अधिका) नियमावली के नियम 22 के अंतर्गत विचारणीय है

In the Central Administrative Tribunal, Jodhpur Bench,  
Jodhpur

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Date of Order : 30.3.2001

Review Application No. 23/2000  
in  
Original Application No. 96/98

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1. The Union of India  
Through : Secretary to the Government of India,  
Ministry of Agriculture, Krishi Bhawan, New Delhi.
2. The Director, Cattle Breeding Farm,  
Suratgarh, Dist. Sri Ganganagar.
3. Shri Hamir Singh Rathore, Officiating Director,  
Cattle Breeding Farm, Suratgarh, Dist. Sri Ganganagar.

... Applicants

Versus

Shri Ram Ashray Pal S/o Shri Radha Pal, C/o Shiv Bachan  
Bhagat, CCBF Campus, Suratgarh, District Sri Ganganagar.

... Respondent.

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CORAM :

HON'BLE MR. A.K. MISRA, JUDICIAL MEMBER

HON'BLE MR. GOPAL SINGH, ADMINISTRATIVE MEMBER

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Mr. Vinit Mathur

For the applicants.

Mr. J.K. Kaushik

For the respondent.

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O R D E R

( Per Hon'ble Mr. A.K. Misra, J.M. )

The applicants, Union of India and Others  
(Respondents in OA) had filed this Review Application  
against the order dated 21st July, 2000 passed by this  
Tribunal in Original Application No. 96 of 1998.



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2. Notice of the Review Application was given to the applicant (respondent herein). No reply, however, has been filed by him to the R.A.

3. We have heard the learned counsel for the parties and have gone through the case file.

4. It is stated by the applicants in their application that Annexures A/6 and A/7 dated 19.6.98 and 1.9.98, do not pertain to the respondent, however, in para 9 of the Order, these documents have been discussed as if they were related to the respondent and consequently, the conclusion was affected due to this. This is an error apparent on the face of record and deserves to be corrected. It is also stated by the respondents that as against the notice to show cause for terminating the services of the applicant, appeal was pending before the competent authority for consideration and thus the departmental remedy of redressal was available to the applicant, yet the OA has been decided finally without any direction for disposing of the appeal. This is also an error apparent on the face of record and the conclusion drawn by the Tribunal was affected. These facts are sufficient enough to necessitate the review of the order and the error deserves to be set right.

5. We have gone through the order and have also seen Annexures A/6 and A/7 presented by the respondent in the O.A. In fact, these two documents do not relate to him. Neither they were addressed to the applicant in the OA yet in para No. 9 of the order dated 21.7.2000



these documents have been taken into consideration to conclude that the applicant was in service which was in fact not correct. Thus, the error is apparent on the face of record and consequently, the portion discussing these two documents treating them to be connected with the applicant, deserve to be deleted in para No. 9 and the error needs to be corrected.

6. From the facts of the case, it is clear that the appeal filed by the applicant against the show cause notice Annex.A/1 of the O.A., was pending before the competent authority and the applicant <sup>could</sup> have been granted the desired relief by the authority itself. Therefore, the respondents should have been directed to dispose of the appeal which was pending before the concerned authority. However, this aspect seems to have gone un-noticed in our order and to this extend, the error is apparent which needs to be corrected now.

7. In view of the above discussions, the Review Application deserves to be accepted and is hereby accepted with the following observations and directions :-



In Para No. 9 the portion "therefore, in view of Annexs. A/6 and A/7 dated 19.6.98 and 1.9.98 respectively, it can be concluded that applicant still continues to be in the service of the respondents" occurring from third line to 6th line, is hereby deleted and shall always be deemed to have been deleted.

In the end of the Para No. 9 the observation

"However, the appeal preferred by the applicant against the show cause notice Annex. A/1, which is pending with the competent authority, can be directed to be disposed of within a reasonable time" is hereby added and shall always be deemed to have been added.

8. In view of this, the relief deserves to be suitably modified and Para No. 11 of our order dated 21st July, 2000 passed in Original Application No. 96/1998, shall read as follows :-

"The O. A. is, therefore, accepted.  
The Respondents No. 2 and 3 are hereby directed to dispose of the appeal of the applicant, Annex.A/5, preferred against the impugned notice Annex.A/1, within a period of two months and the applicant shall be at liberty to take appropriate steps if he is aggrieved of the decision of the competent authority." This para shall be substituted and always be deemed to have been substituted.

9. The period of two months, as indicated above in the order of review, shall commence from the date of communication of this order.



10. A copy of this order should be placed along-  
with the original order and shall always be deemed to  
form a part of the original order dated 21st July, 2000  
passed in O.A.No. 96 of 1998.

11. The Review Application is, therefore, disposed of  
accordingly.

Sd/

( GOPAL SINGH )  
Adm. Member

Sd/

( A.KAMISRA )  
Judl. Member

प्रमाणित सही प्रतिलिपि

09/4/2001

अनुभाग अधिकारी (प्रशासनिक)  
केन्द्रीय प्रशासनिक अधिकारी  
बोम्बे

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