

**CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH,
LUCKNOW.**

**Review Application No. 09 of 2010
In
Original Application No. 66 of 2010**

This the 30th day of March, 2011

**Hon'ble Mr. Justice Alok Kumar Singh , Member-J
Hon'ble Mr. S.P. Singh, Member-A**

1. Union of India through Secretary, Ministry of Posts, Dak Bhawan, New Delhi.
2. Chief Postmaster General, U.P. Circle, Lucknow.
3. Director, Postal Services, Headquarters Office of Chief Post Master General, Hazratganj, Lucknow.
4. Senior Superintendent of Post Offices, Lucknow Division, Lucknow.

.....Applicants

By Advocate : Sri S.P. Singh

Versus.

Madan Lal, S/o late Sri Ram Chet Verma, R/o 3/211, Vinamra Khand, Gomti Nagar, Lucknow.

.....Respondent.

By Advocate : None.

O R D E R (Oral)

By Justice Alok K Singh, Member-J

List revised. Sri S.P. Singh, counsel for Review applicants is present. Nobody is responding for respondent.

2. This application for review of judgment and order dated 23.2.2010 passed in O.A. no. 66 of 2010 has been filed under Section 22(3)(f) of Administrative Tribunals Act, 1985 read with Rule 17 of Central Administrative Tribunal (Procedure) Rules, 1987. Learned counsel for review applicants submits that as would be evident from the perusal of judgment, in question, though time was granted for filing Counter Affidavit, but on account of some reasons, the same could not be filed. Therefore,

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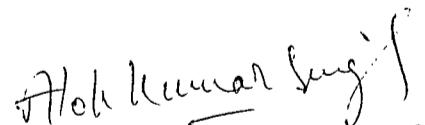
the Tribunal proceeded with the matter under the relevant rules. But this resulted in making an observation against the record. In para 10 of the judgment it has been mentioned that according to respondents there is investigation/enquiry in offing, whereas the fact of the matter is that the chargesheet dated 19.2.2010 was already in existence and even in the Objection filed by other side, this factum of chargesheet has not been denied. The only assertion is that the chargesheet is anti-dated and has not been served. More-over this fact is also admitted by the respondent in one of his applications, a copy whereof was also served upon the learned counsel for review applicants which he has filed alongwith an affidavit in the connected Contempt petition, which is also listed today. We have gone through the material before us.

3. From the above, it comes out that in absence of any Counter Affidavit on record, this Tribunal observed that it is only the investigation/enquiry which is in offing and that is why in the operative portion of the order, it was further observed that the respondents would be at liberty to take decision with respect to departmental proceedings in accordance with rules/law

4. Concededly, it appears to be an error apparent on the face of record. In the interest of justice, therefore, the aforesaid judgment dated 23.2.2010 passed in O.A. no. 66 of 2010 so far as it relates to the aforesaid point deserves to be reviewed and accordingly it is so ordered.

5. In view of the above, Review Application stands disposed of. No order as to costs.


(S.P. Singh)
Member-A


Justice Alok K Singh 20.3.11
Member-J

Girish/-