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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Review Application No. 475 of 1990 (L)

In

Registration O.A. No. 274 of 1989 (L)

Swami Dayal Mishra Applicant

Versus

Union of India & Others Respondents

Hon. Mr. Justice K. Nath, V.C.

Hon. Mr. K. J. Raman, Member (A)

(By Hon. Mr. K. Nath, V.C.)

This is an application for review of our judgement dated 6.7.1990 whereby the applicant's petition for quashing the order of his dismissal from service was dismissed.

2. The applicant was working as E.D.B.P.M. and used to deal with Money Orders. He was charged for ~~his~~ having misappropriated certain money order amounts and to have placed forged vouchers of payment on record.

3. The various points raised by him in the original application were considered and rejected. In this Review Application two points have been emphasized. Firstly, he had applied for copies and inspection of several documents of which only two were furnished and third was shown on the remaining six were neither shown nor furnished. The defence was that the documents which were not shown were not relevant. An observation was made by this Bench that the applicant had not filed the copy of the application by which he had called for the documents, nor he had stated the relevancy of each of the documents to enable the Tribunal to find out whether they were relevant or not. It was noticed that the Inquiry Officer had recorded reasons for his view that the documents were irrelevant and that the applicant had failed to show that the

reasons were invalid. With this Review Application a copy of the application dated 11.1.88, Annexure-A only for inspection, not copy of papers, has been filed. We cannot take notice of this document now because it cannot be said to be any new material which could be a basis for review.

4. The second ground is that relevant pages of Mail Peon Register which was used in the course of the enquiry had been replaced but that Register was not produced before the Tribunal. According to the applicant this Tribunal should have asked the Department to produce the Register for its own inspection in order to enable it to arrive at the findings whether the Register had been tampered ^{wuk} or not. In para 8 of the judgement under review it is clearly stated that a copy of the Inquiry's report which was read over at the time of hearing showed that the Inquiry Officer had recorded cogent reasons for his view that the pages of Mail Peon Register had not been replaced. The Tribunal did not consider it necessary, in the circumstances, to summon the Register *suo motu*. In doing so the Tribunal had not committed any error apparent on the face of the record.

5. One more ground stated in the Review Application is that the orders of the disciplinary authority and the appellate authority were non speaking orders. This aspect of the case had been fully considered in the judgement under review and does not call for any reconsideration. The Review Application is dismissed.

[Signature]
Member (A)

[Signature]
Vice Chairman

Dated the 4th Oct., 1990.

RKM