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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

Review Application No. 324 of 92

In

O.A. No. 216/88

A.P. Srivastava

Applicant

versus

Union of India & others

Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.

Hon. Mr. A.B. Gorthi, Adm. Member.

(Hon. Mr. Justice U.C. Srivastava, V.C.)

This review application is directed against our judgment and order dated 4.11.91. We allowed the O.A. on the ground that the report of enquiry officer was not given to the applicant which deprived him of an opportunity to file representation against the same which violated the principles of natural justice vitiating the enquiry. In this connection we made reference to the then latest decision of Supreme Court on the point viz. Union of India vs. Mohd Ramzan Khan, (AIR 1991, S.C. page 491) Apart from Supreme Court decision when the case was decided Full Bench decision of C.A.T. on the same point reported in (1988) 6 A.T.C. was in existence and had a binding effect. In Vishwanathan case referred to in review application nothing new has been said that what was mentioned in Ramzan Khan's case (Supra) regarding prospective effect of the judgment. Ramzan Khan's case or Vishwanathan's case has not amended the Administrative Tribunals Act or abated the pending

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proceedings on the point. If plea has been taken from before the Ramzan Khan's case(supra) the same has got to be adjudicated unlike the pleadings taken after decision of the said case which would mean that the benefit of case is being taken from retrospective effect though the benefit of P.K. Sharma's case and other cases on the point which were holding the filed till then was not claimed. There is no such error apparent on the face of the record and the review application is rejected.



Adm. Member.


Vice Chairman.

Lucknow: Dated 25/8/92

Shakeel/