

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

REVIEW PETITION NO.40/2001  
in  
ORIGINAL APPLICATION NO.336/2000.

CORAM : Hon'ble Shri B.N. Bahadur, Member (A)

Shri S.K. Jaffar

.. Applicant

Versus

Union of India & Ors.

.. Respondents.

Order on Review Petition by circulation

{ Per : B.N. Bahadur, Member (A) }. Date : 27.3.2002

This Revision Petition No.40/2001, has been filed by the original respondents in O.A.336/2000. The orders in the O.A.336/2000 were made on 9.3.2001.

2. The Review Petitioners viz. Original Respondents are aggrieved that the Tribunal has committed an error in law, which is apparent on the face of record. The point made is that when the Tribunal had come to the conclusion that the infirmity came about in that no notice was issued to the applicant before the impugned order was passed, it ( The Tribunal ) should have remitted the matter back to the disciplinary authority giving liberty to it to issue fresh show cause notice and then take a decision. Case law is cited in support of this contention. This is really the only point taken.

3. I have carefully considered the Review Petition and the contentions made therein and have gone through the order made in the aforesaid O.A. carefully. The

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full reading of the order shows that the point of non issue of notice and violation of principles of natural justice was one of the points of infirmity. More importantly it is dismissed on merits also as the (latter) part of the para 9 of the judgment will show.

It is stated there is as follows:-

"I have also considered the arguments made about the facts of the circumstances of the case of Shir Qureshi. These are deductions that are sought to be made against the applicant on the basis of facts of Shri Qureshi's case and his circumstances. These cannot go against the Applicant, specially in the absence of the show cause notice, as discussed above."

4. Thus it is clear that the O.A. has been dismissed on overall consideration of merits apart from the legal points and hence the prayer in the Review is not justified. The Review Petition accordingly fails, and is hereby dismissed. There will be no orders as to costs. Parties be informed.

*B. N. Bahadur*

( B.N. Bahadur )  
Member (A).

27-3-2002

H.

dt. 27.3.2002  
order/Judgement despatched  
to Applicant/Respondent (s)  
on 19.4.2002.

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