

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

R.P.No. 144/92
in
OA.NO. 136/91

Smt. Panchfula & 2 Ors.

... **Applicants**

V/S.

Union of India & Ors.

... Respondents

CORAM: Hon'ble Vice Chairman Shri Justice S.K.Dhaon
Hon'ble Member (A) Ms. Usha Savara

Tribunal's Order On Review Petition
By Circulation.

Dated: 29-10-1992

(PER: S.K.Dhaon, Vice Chairman)

This is an application seeking the review of the order passed by us on 15.7.1992 while disposing of OA. 136/91 finally.

2. A number of contentions were advanced before us. One of them was that the disciplinary proceedings against the applicant stood vitiated on account of malafide. We met the argument thus :"There is no allegation of mala fide against any particular officer. Learned counsel states that the entire department bore malice against Fusatey. In the absence of any specific allegation against any particular officer the allegation of mala fide, if any, has to be ignored."

3. In the Review application the plea of malafide has been highlighted. Reliance is placed upon a judgement of the Supreme Court in the case of Sardar Pratap Singh vs. State of Punjab, wherein it has been held that if no reply is given in the counter affidavit to an allegation of malafide, the same should be deemed to be correct. There can be no quarrel with this proposition.

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4. We may state that the said case was not cited at the time of the arguments, although it had no relevance.

5. We have considered the contents of the Review application carefully. We feel that the same do not make out a case that the order passed by us and which is sought to be reviewed suffers from any error apparent on the face of the record.

6. We are disposing of this application by adopting a process of circulation as admissible under the rules.

7. We find no merit in this application. Accordingly, we reject the same.

U. Savara
(MS.USHA SAVARA)
MEMBER (A)

by
(S.K.DHAON)
VICE CHAIRMAN

mrj.