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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH
BOMBAY

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Review Petition No. 59/95

In

Original Application No. 172/91

1. The Chairman
Ordnance Factory Board,
Calcutta.
2. The General Manager,
Ordnance Factory,
Varangaon.

Petitioners
(Original Respondents)

Versus

Sri Hajarilal Gupta

Respondent
(Original Applicant)

Coram :

Hon'ble Sri M.R. Kolhatkar,
Member (A)

Hon'ble Sri D.C. Verma,
Member (J)

Tribunal's Order on Review Petition
by circulation

Date : 16-8-95
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(Per M.R. Kolhatkar, Member (A))

This is a review petition filed against our judgment dated 1.12.94 in which we set aside the order of the penalty and the order of the appellate authority of the original applicant who is also the respondent in this review petition filed by the original official respondents. The judgment was delivered on 1.12.94.

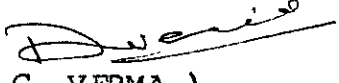
However, the review petition has been filed on 12.6.95. There is an MP 444/95 in RP 59/95 requesting for condonation of delay on the ground that the judgment of the Tribunal dated 1.12.94 was received by the petitioners only on 7.4.95 through their counsel as the judgment sent by the counsel earlier was lost in postal transit. No evidence in support of this

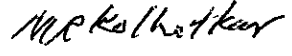
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statement has been adduced. While accepting the version in the Misc. petition there is still a delay of more than a month in filing the review petition. The delay is condoned and we dispose of this review petition on merits.

2. In the judgment we had not only set aside the order of the Disciplinary Authority and the Appellate Authority but had also stated that considering the material on record, the lapse of time and the nature of the charges, we are of the view that the applicant should be spared the agony of a fresh enquiry on identical charges. It is this part of the order on which review is sought by the original respondents. According to the review petitioners the Tribunal ought to have given liberty to conduct de-novo enquiry against the applicant after giving him the statement of Sri L.C. Sharma which was part of the list of documents. According to the review petitioner the original applicant was guilty of serious misconduct and therefore they ought to have been given liberty to conduct de-novo enquiry against the applicant.

3. In our view the refusal of liberty to the official respondents to conduct fresh enquiry against the original applicant was fully justified for which we had given reasons. In any case no reasons relatable to Rules under order 47 of CPC have been given by the review petitioner necessitating the review of the judgment. We, therefore, reject the application for reviewing of our judgment dt. 1.12.94. We pass this order by circulation as is permissible under the rules. There would be no order as to costs.


(D.C. VERMA)
MEMBER (J)


(M.R. KOLHATKAR)
MEMBER (A)