

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

REVIEW PETITION NO. 22 OF 99
IN
ORIGINAL APPLICATION NO.757/97.

Coram: Hon'ble Shri Justice R.G.Vaidyanatha,
Vice-Chairman.
Hon'ble Shri D.S.Baweja, Member(A).

R.B.Gade,
R/at Flat No.201-A,
Manoday Building,
Dattapada Road,
Borivli(East),
Mumbai - 400 066.

... Applicant (Original)
Review Petitioner.

V/s.

1. Commissioner of Income-tax,
Bombay City-I,
Ayakar Bhavan,
M.K.Road,
Mumbai-400 020.
2. Union of India
through Shri Sanjay Puri,
Under Secretary Govt. of India,
Ministry of Finance,
Department of Revenue,
Central Board of Direct Taxes,
Central Secretariat,
South Block,
New Delhi - 110 001..

... Respondents (Original)
Review Respondents.

: ORDER ON REVIEW PETITION BY CIRCULATION : Dt.30.6.99

(Per Shri Justice R.G.Vaidyanatha, Vice-Chairman)

This is a petition for reviewing our order
dt. 29.9.98. The Review Petition is now filed in June, 1999
about eight to nine months after our order, which is prima
facie barred by limitation and undue delay. No doubt, in
M.P. 401/99 has been filed for condoning delay on some
medical grounds with some medical certificates.

After perusing the materials on record and the

...2.



Review Petition we find that there is no apparent error in our order so as to call for review. If the applicant is aggrieved by our order his remedy is elsewhere. The present Review Petition does not come within the four corners of Review Petition under Order 47 Rule 1 CPC.

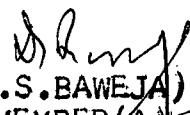
The contention that the papers are not submitted to the President for passing the impugned order of withholding of pension has no merit since the impugned order dt. 26.6.97 is a Presidential order and it has been issued in the name and by order of the President of India.

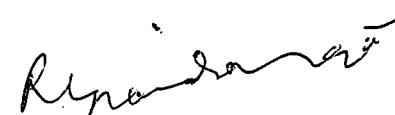
Another contention taken in the Review Petition is that one Mr. Hinduja has been given the punishment of Compulsory Retirement, whereas, for the applicant the punishment is one of withholding entire pension. We have already considered this contention in our order and we have rejected it. It is not a case of applicant and Hinduja being tried in a same or common enquiry. They are different enquiries and orders are passed by different authorities and therefore the question of equal treatment will not arise. The case against Hinduja was in respect of different assessments for different years and the order of punishment was passed by the Commissioner of Income-tax, Bombay. But the impugned order against the applicant has been passed by the President of India withholding the entire pension. They were tried in different cases and for different allegations of different assessments. Therefore, the question of giving same punishment to both of them will not arise. It is only in cases where persons are tried in a

common enquiry and all of them are found guilty one cannot be given a lighter punishment and another a higher punishment. But, that cannot apply to persons who are tried for different sets of allegations and in different enquiries.

In our view, there is no merit in the Review Petition and hence it is liable to be rejected. Since we are rejecting the Review Petition itself, we need not separately consider whether sufficient reasons are made out for condonation of delay.

2. In the result, Review Petition No.22/99 is rejected. Consequently, M.P. 401/99 is also disposed of.


(D.S. BAWEJA)
MEMBER(A)


(R.G. VAIDYANATHA)
VICE-CHAIRMAN

B.