

**THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR
ORDER SHEET**

12

APPLICATION NO.: _____

Applicant (S)

Respondent (S)

Advocate for Applicant (S)

Advocate for Respondent (S)

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

06.07.2009

RA 03/2007 (OA No. 552/2003) with MA 113/2007

**Mr. Nand Kishore, Proxy counsel for
Mr. P.P. Mathur, Counsel for applicant.
Mr. T.P. Sharma, Counsel for respondents.**

**On the request of the learned proxy counsel
appearing on behalf of the applicant, let the matter be
listed on 15.07.2009. It is made clear that no further
adjournment will be granted on that date.**


**(B.L. KHATRI)
MEMBER (A)**


**(M.L. CHAUHAN)
MEMBER (J)**

AHQ

15.07.2009

RA No. 03/2007 (OA 552/2003) with MA 113/2007

**Mr. P.P. Mathur, Counsel for applicant.
Mr. T.P. Sharma, Counsel for respondents.**

Heard learned counsel for the parties.

**For the reasons dictated separately, the case is
disposed of.**


**(B.L. KHATRI)
MEMBER (A)**


**(M.L. CHAUHAN)
MEMBER (J)**

AHQ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 15th day of July, 2009

REVIEW APPLICATION NO. 03/2007
IN
ORIGINAL APPLICATION NO. 552/2003
WITH
MISC. APPLICATION NO. 113/2007

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

K.C. Pipal son of Shri Late Shri Dhani Ram aged about 50 years, resident of 16 Mauji Nagar, Pratap Nagar, Sector-8, Sanganer, Jaipur. At present working as Scientific Officer, Grade-C, Department of Atomic Energy, Atomic Minerals Directorate for Exploration & Research, Jaipur.

.....APPLICANT

(By Advocate: Mr. P.P. Mathur)

VERSUS

1. Union of India through the Secretary, Government of India, Department of Atomic Energy, Anushakti Bhawan, CSM Marg, Mumbai.
2. Additional Secretary, Department of Atomic Energy, Anushakti Bhawan, CSM Marg, Mumbai.
3. Director, Atomic Mineral Directorate for Exploration and Research, AMD Complex, Begumpet, Hyderabad.

.....RESPONDENTS

(By Advocate: Mr. T.P. Sharma)

ORDER (ORAL)

The applicant has filed this Review Application after a period of two years whereas the time prescribed under the rules for filing Review Application is 30 days. Alongwith the RA, a MA for condonation of delay has also been filed. The reasons for condoning the delay, as can be seen from the MA, are that the respondents have filed an affidavit in the case of Shri S.N. Saini in March, 2007 that the Department has proposed to modify the punishment order in the similar case as that of Shri S.N.Saini after taking advice of the UPSC and on the basis of the judgment of the Hon'ble Hyderabad High court in case of Writ Petition filed by the Union of India against the

order passed in the case of Shri A.K. Sharma, who was one of the officer against whom the common inquiry was initiated as for S/Shri S.K. Sharma and S.N. Saini. Thus the case of the applicant is also required to be reviewed in the light of the affidavit filed by the respondents. It is further argued that this Tribunal has finally disposed of the case of Shri S.L.Saini in the light of the Affidavit filed by the Department.

2. The respondents have filed reply to the MA. IN the reply the respondents have stated that the cases of S/Shri A.K. Sharma, R.B. Jain and S.N. Saini are not similar to that of the applicant's case. While the subject matter pertaining to the aforesaid officers is one and the same whereas the case of the applicant is totally different in nature. Thus according to the respondents, this RA cannot be entertained.

3. We have also perused the material placed on record placed by the applicant in RA. As can be seen from Para No. 5(25) at Page 87 of the Paper Book, it is evident that the applicant was involved in misappropriation of Government money whereas the charges against Shri A.K. Sharma and R.B. Jain was that of gross negligence and carelessness in discharging the duties in accounts/cash matters. As such, it cannot be said that the case of the applicant is similar to that of ~~the persons to that~~ of Saini.

4. In view of what has been stated above, we are of the view that there is no sufficient ground to condone the delay. Accordingly the MA is dismissed.

5. Since we have not condoned the delay, as such the RA also stands dismissed.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ