

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

JAIPUR

Date of order: 04.12.2002

RA No.34/02 (OA No.370/2000)

1. Union of India through the Secretary, Ministry of Finance, Govt. of India, New Delhi.
2. Narcotics Commissioner of India, 18, Mal Road, Morar, Gwalior.
3. Dy. Narcotics Commissioner, Central Bureau of Narcotics, Narcotics House, Kota.

.. Applicants

Versus

Hari Singh s/o Likham Singh r/o Gram Rohina, Teh. Jayal, Distt. Naugore, lastly posted as Sipay at Bhilwara.

.. Respondent

Mr. Arun Chaturvedi - counsel for the applicants

CORAM:

Hon'ble Mr. H.O.Gupta, Member (Administrative)

Hon'ble Mr. M.L.Chauhan, Member (Judicial)

O R D E R (ORAL)

This Review Application alongwith Misc. Application No. 471/02 has been filed to review the order dated 28.1.2002 passed in OA No.370/2000.

2. Misc. Application No.471/02 considered and in view of the reasons given by the applicants and also in the interest of justice, the delay is condoned.

3. The main contention taken by the applicants is that the appeal had been decided but the Tribunal had observed that the appeal has not been decided.

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4. The operative portion of the order is as under:-

"We, therefore, allow this OA and direct the revisionary authority, i.e. Member (P&V), Central Board of Excise and Customs, New Delhi, to pass an appropriate order revising the punishment imposed upon the applicant as has been done in similarly situated persons namely S/Shri Prakash Saxena, SI, Ranjeet Kumar and Ram Lal. Sepoys, within three months from the date of receipt of a copy of this order."

5.0 Heard the learned counsel for the applicants.

5.1 There appears to be an error either typographical or otherwise, inasmuch as, instead of mentioning that the appeal has been decided, it is mentioned that the appeal has not been decided. Notwithstanding the error in the observation, the order of the Tribunal as stated at Para 4 above does not suffer from any error. The order is not to the appellate authority but to the revising authority. The revising authority should have taken action to comply with the order of the Tribunal. In the circumstances, this Review Application is not maintainable and accordingly dismissed at the admission stage.


(M.L. CHAUHAN)

Member (J)


(H.O. GUPTA)

Member (A)