

## FORM NO. 4

(See Rule 42)

**In The Central Administrative Tribunal**

GUWAHATI BENCH : GUWAHATI

## ORDER SHEET

Review APPLICATION NO. 17998 (51/98) OF 199

Applicant(s) *Union of India*Respondent(s) *Akhil Chandra Ray*Advocate for Applicant(s) *Mr. S. Ali, S.C.G.S.*

Advocate for Respondent(s)

Notes of the Registry	Date	Order of the Tribunal
This Review Application is filed by Mr. S Ali, Sr. G.C. S.C. on behalf of respondents with a prayer review the judgment & Order dtd. 17.8.98 passed by this Hon'ble Tribunal. Laid for favour of further orders.	1.1.99 pg 29.1.99 24.1.99 SECTION OFFICER	List on 29.1.99 for admission along with M.P. 293/98.  M  List on 16.2.99 for admission along with M.P. 293/98.
	16.2.99 pg	List it on 24.2.99 for admission alongwith M.P. 293/98.
	trd 16.2.99	

  
 Vice-Chairman

  
 Vice-Chairman

  
 Vice-Chairman

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Notes of the Registry	Date	Order of the Tribunal
	24.2.99	Let this case be listed on 26.2.99 alongwith Misc. Petition No.293/98.  Member
nkm		
	26.2.99	List on 9.3.99 for order alongwith M.P.293/98.  Member
	9.3.99	Adjudicated to 23.3.99 Bfo An
<u>1.1.99</u> Please f. Appearance docs. are filed by the respondents.	23.3.99	List on 22.4.99 for order alongwith M.P.293/98.  Member
<u>Broz</u>		
	22.4.99	List on 10.5.99 for order alongwith M.P.293/98.  Member
	10.5.99	List on 8.6.99 for order alongwith M.P.293/98.  Member
	pg	

Notes of the Registry	Date	Order of the Tribunal
	8-6-99	Let this case be listed on 30-7-99 alongwith M.P.293 of 98 for hearing.  Member
	30-7-99	Division Bench is not available. Case is adjourned to 24-9-99 for hearing.  Member
	24-9-99	To be listed alongwith M.P.293/98 on 24.11.99. B70 1m
	24.11.99	In view of the order passed in Misc. Petition No.293/98 this Review Application is deemed to be filed in time.  Mr A. Deb Roy, learned Sr. C.G.S.C. prays for a short adjournment to obtain instructions. Mr M. Chanda, learned counsel for the opposite party has no objection. Accordingly the case is adjourned till 10.12.99 for admission.  Member
	10.12.99	Two weeks time allowed to receive instructions on the prayer of Mr A. Deb Roy, learned Sr.C.G.S.C for the petitione-r.  List on 5.1.2000 for admission.
	pg	Vice-Chairman

## Notes of the Registry

## Date

## Order of the Tribunal

5-1-2000

On the prayer of Mr. A. Deb Roy, Sr.

C.G.S.C. case is adjourned to 4.2.2000.

62  
Member

Vice-Chairman

lm

4.2.2000

On the prayer of Mr A. Deb Roy, learned  
Sr. C.G.S.C the case is adjourned to  
15.2.2000.62  
Member

Vice-Chairman

pg

15.2.00

On the prayer of Mr A. Deb Roy,  
learned Sr. C.G.S.C. the case is  
adjourned till 18.2.00 for admission.62  
Member

Vice-Chairman

nkm

18.2.00

Application is admitted. Issue  
usual notices. Returnable by 21.3.00.  
No stay.

List on 21.3.00.

62  
Member

Vice-Chairman

mk

62  
25/3/2000

21.3.2000

Mr M. Chanda, learned counsel for the  
opposite party prays for two weeks time  
to file objection. Prayer allowed.

List on 7.4.2000 for order.

62  
Member

pg

Notes of the Registry	Date	Order of the Tribunal
	7.4.00	No objection has been submitted. List for hearing on 26.5.00.
	1m	
	26.5.00	There is no Bench today. Advised 8-21-6-00. <i>8/1/</i>
objection has not been filed. <i>2/</i> <i>13.7.00.</i>	21.6.00	There is no Bench today. Advised 14-7-00. <i>8/1/</i>
	14.7.00	The case is adjourned and posted for hearing <del>on</del> at the request of learned counsel for the respondents, on 8.8.00.
	nkm	<i>S/DR</i> Member (A)
	8.8.00	There is no Bench. Advised to 13.9.00. <i>8/1/</i>
	13.9.00	no Bench to be held on 21-11-00. <i>8/1/</i>
	21.11.00	Present: Hon'ble Mr. Justice D.N.Choudhury, Vice-Chairman. This is an application for review of the judgment and order dated 17.8.99 passed by this Tribunal in O.A.No.51 of 97. The opposite party applicant assailed the order dated 8.2.96 imposing penalty by the Disciplinary Authority. The Review applicant did not file the written statement. The Tribunal decided the case in favour of the applicant on

contd/-

Notes of the Registry	Date	Order of the Tribunal
<p><u>G</u></p> <p><u>21/11/2000</u></p> <p>Copy of the order has been sent to the D/Sec. for issuing 115 and to the L/Advocates for the parties.</p> <p><u>JK</u></p>	21.11.00	<p>the basis of uncontroverted pleadings.</p> <p>In this application the applicant has assailed the impugned order on the ground that the review applicant's case was not duly placed before the Tribunal by the counsel for the review applicant though the counsel was instructed in this regard. In other words the legality of the order is challenged as erroneous. The aforementioned ground cannot be a ground for review of an order. It would have been a good ground for an appeal but not in review. A Review is permissible to correct an error apparent on the face of the record, or from the discovery of new and important matter or evidence which after the exercise of due diligence was not within the knowledge or could not be produced by the aggrieved persons when the order was made or for any other sufficient ground. The expression 'sufficient ground' is to be read ejusdem generis. A Review is not permissible on ground of discovery of evidence on question of fact. The Review application bears no merit and accordingly the same is dismissed; there shall however no order as to costs.</p> <p><u>JK</u></p>