

**Central Administrative Tribunal
Principal Bench, New Delhi.**

**RA-155/2016 in
OA-4253/2012**

Reserved on : 29.03.2017.

Pronounced on : 03.04.2017.

Hon'ble Mr. Shekhar Agarwal, Member (A)
Hon'ble Mr. Raj Vir Sharma, Member (J)

Sh. Ahmad Mian Siddiqui,
Aged about 52 years,
S/o Mohd. Mian Siddiqui,
R/o 1274, Pahari Imli,
Chooriwalan, Delhi-110006.

..... Review Applicant

(through Sh. S.K. Gupta, Advocate)

Versus

Union of India through
Secretary,
Ministry of Parliamentary Affairs,
Parliament House,
New Delhi-110001.

..... Respondent

(through Sh. Gyanendra Singh, Advocate)

O R D E R

Mr. Shekhar Agarwal, Member (A)

This Review Application has been filed for review of our order dated 12.07.2016. Learned counsel for the review applicant stated that in several places in the judgment it has been observed that the matter has been appealed against by the delinquent and is

pending consideration before Hon'ble High Court of Delhi. Learned counsel in this regard drew our attention to para-9 of the judgment wherein this has been mentioned. Similarly, para-26 of the judgment reads as follows:-

"Therefore, we have no alternative except to dismiss the OA, with liberty to the applicant to approach this Tribunal should he be acquitted in the appeal before the Hon'ble High Court of Delhi. No costs."

2. Learned counsel for the review applicant submitted that this is factually incorrect as no such appeal has been filed before Hon'ble High Court of Delhi. The review applicant has attached reply received to his RTI information wherein it is mentioned that this case was not found fit for appeal (page-32 of the paper-book). Sh. Gupta submitted that thus an error apparent on the face of record has crept into the judgment.

3. The respondents have filed their reply opposing the review application. Learned counsel Sh. Gyanendra Singh appearing for the respondents argued that it was the review applicant himself, who had misled the Court as had any appeal been filed, he would have received notice for the same and would have been aware of it. Sh. Gyanendra Singh also made certain submissions, which were regarding the merits of the OA. He also submitted that this was a case involving National security.

4. Be that as it may, it is evident that an error apparent on the face of the record exists in our judgment inasmuch as a factually incorrect observation has been made regarding pendency of an appeal before Hon'ble High Court of Delhi in the criminal case whereas actually no such appeal had been filed.

5. In view of the aforesaid, we allow the review application and recall our order dated 12.07.2016. The O.A. is restored for fresh hearing. List on 24.04.2017.

(Raj Vir Sharma)
Member (J)

(Shekhar Agarwal)
Member (A)

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