

**Central Administrative Tribunal
Principal Bench**

**RA No. 191/2017
In OA No.963/2017
and MA No.2997/2017**

New Delhi, this the 2nd day of November, 2017

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. K.N. Shrivastava, Member (A)**

Central Vigilance Commissioner
Through its Secretary
Satarkata Bhawan, Block A
INA, CGO Complex, New Delhi. ...Applicant

(By Advocate : Shri Ravinder Agarwal and Shri Amit Yadav)

Versus

1. Sh. Ajoy Kumar Singh
S/o Rameshwar Prasad Singh
Flat No.20, 9th Floor
16B Dovar Lane, Kolkata-29.
2. Union of India, Ministry of Finance
Department of Revenue
Through: Member(P&V), CBDT
North Block, New Delhi-110001.
3. Director General of Income Tax(Vig.) & CVO
Central Board of Direct Taxes
1st Floor, Dayal Singh Public Library Building
1 Deen Dayal Upadhyaya Marg
New Delhi-110002.

...Respondents

(By Advocate : Shri R.N. Singh, Shri Anmol Pandita with Shri M.S. Reen and Shri Gyanendra Singh)

ORDER (ORAL)

Justice Permod Kohli :

MA No.2997/2017

This is an Application seeking condonation of delay of 74 days in filing the Review Application. The applicant has stated reasons for seeking condonation in paras 8 to 11. We have examined the same. These are administrative reasons which has caused the delay in filing this RA.

2. For the reasons recorded in the Application, which is duly supported by affidavit, the same is allowed. Delay in filing the Review Application is hereby condoned.

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3. This Application has been filed seeking review of the order dated 25.04.2017 in OA No.963/2017. Vide the Order sought to be reviewed, this Tribunal while considering the prayer of the applicant for disposal of his representation, made following observations:-

6. Keeping in view the facts, noticed hereinabove, this O.A. is disposed of at the admission stage itself without insisting for the counter affidavit, with the following directions:

The applicant shall submit the supplementary representation to respondent No.3 within four weeks from today. Respondent No.3 shall take decision on the representation of the applicant dated 07.01.2017 and supplementary representation within a period of two months from the date of receipt of supplementary representation, by passing a reasoned and speaking order. Needless to say that all relevant factors, including the fact

that applicant being a Government servant is required to obtain 'No Objection Certificate' from the employer, i.e., the Government for securing a passport, as prescribed under the Passport Manual 2010/Rules/Regulations made thereunder, will also be dealt with by respondent No.3 while passing the order. No costs."

4. This Review Application has been filed primarily on the ground that the Central Vigilance Commission(CVC) which is a statutory body, constituted under the Central Vigilance Commission Act, 2003, is only an advisory body and acts only on the reference being made to it by the concerned Government or Government bodies in terms of Section 8 (1) (g) of the Act and, therefore, the CVC, *per se*, does not act at the instance of the delinquent employee. Intervention of this Tribunal in exercise of Review jurisdiction is sought on that ground.

5. We have carefully perused the observations made by this Tribunal quoted hereinabove. Suffice it to say that the observations are totally innocuous. This Tribunal has neither determined the rights of the parties nor commented thereon. Therefore, the question of review of such an innocuous Order does not seem to be permissible in law. The review petitioner is at liberty to pass any appropriate order as may be permissible in law. No merits. RA is dismissed.

(K.N. Shrivastava)
Member(A)

(Justice Permod Kohli)
Chairman

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