

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

**RA-221/2016 in
OA-3275/2015**

Reserved on : 20.10.2016.

Pronounced on : 21.10.2016.

Hon'ble Mr. Shekhar Agarwal, Member (A)

Delhi Metro Rail Corporation Limited
Through Managing Director,
Fire Brigade Lane, Barakhamba Road,
New Delhi-1.

.... Review Applicant

(through Sh. VSR Krishna, Advocate)

Versus

Sh. Puneet Garg, 30 years
S/o Sh. Brij Mohan,
143 Afganan Street Delhi Gate,
Ghaziabad-201001.

..... Respondents

(through Sh. Shanker Kumar Jha, Advocate)

ORDER

This Review Application has been filed by the respondents in OA seeking review of my judgment dated 23.07.2016.

2. Learned counsel for the review applicant submitted that in 13th line on page-3 of the judgment the year mentioned is 2011-2012 whereas actually it should be 2010-2011. This submission was not opposed by learned counsel for the applicant. On consideration of the same, I find that indeed a typographical error has occurred in

the judgment, which needs to be corrected. Accordingly, I direct that the year mentioned in 13th line on page-3 of the judgment be recorded as 2010-2011 instead of 2011-2012.

3. Learned counsel for the review applicant further argued that while allowing the O.A. in Para-8 of the judgment this Tribunal has directed that APAR of the applicant for the year 2011-2012 be expunged and got written afresh by competent authority. Learned counsel stated that this was not the relief sought by the applicant, who had only sought quashing of the aforesaid APAR. Thus, an error has occurred in the judgment inasmuch as this Tribunal has granted relief not asked for by the applicant. He also submitted that both the reviewing and reporting authorities of the applicant have since demitted office and this report cannot now be written afresh.

4. In my opinion, if I had only directed that the APAR for the year 2011-2012 be expunged and not directed that it be got written afresh, it would have left a gap in the APAR dossier of the applicant inasmuch as no APAR for the year 2011-2012 would have been available on record. Since this was not an acceptable situation, it was necessary to give such a direction even if such a relief was not asked for by the applicant. Further, if the officers (both reporting and reviewing), who had supervised the work of the applicant during that period, have demitted office, a certificate to this effect

can be recorded and kept in the APAR dossier of the applicant rather than leaving a gap. Thus, in my opinion, there is no error in the judgment, which needs rectification.

5. The review application is, therefore, disposed of with a direction that the typographical correction mentioned in para-2 above be carried out. Rest of the order shall stand.

(Shekhar Agarwal)
Member (A)

/Vinita/