

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI**

**R.A No. 64/2016  
In  
O.A No. 1690/2014**

New Delhi this the 21<sup>st</sup> day of March, 2016

**Hon'ble Mr. Justice M. S. Sullar, Member (J)**  
**Hon'ble Mr. K. N. Shrivastava, Member (A)**

Shri Udbhash Mukherji  
C/o. Sh. Dalbir Singh,  
RZ-145, Phase II, Gopal Nagar,  
Near Electricity Transformer,  
Najafgarh, New Delhi - 110043.

....Review Applicant

(By Advocate: Shri Subhash Gosain)

Versus

1. Kendriya Vidhayalaya Sangathan  
Through :-  
Chairman, KVS (HQ)  
18, Institutional Area,  
SJS Marg, Katwaria Sarai,  
New Delhi-110016
2. Kendriya Vidhayalaya Sangathan  
Through:-  
Commissioner, KVS (HQ)  
18, Institutional Area,  
SJS Marg, Katwaria Sarai,  
New Delhi – 110016.

...Respondents

(By Advocate: Shri K.M. Singh)

O R D E R (O R A L)

**Hon'ble Mr. Justice M. S. Sullar, Member (J) :**

The epitome of the facts and material which needs a necessary mention for the limited purpose of deciding the present Review Application (RA), and emanating from the records, is that initially the applicant Shri Udbhash Mukherji filed the Original Application (O.A) No.1690/2014 challenging the continuation of Disciplinary proceedings (Enquiry) against him on the ground of limitation.

2. The said O.A was dismissed on merits vide order dated 27.01.2016 but at the same time, the respondents were directed to conclude the inquiry proceedings within a period of three months. The operative part of the order is as under :-

*“10. From the above discussion, it is quite clear that no illegality has been committed by the respondents in the conduct of the disciplinary proceedings against the applicant. We are also convinced that the applicant has been adopting delaying tactics although and thus obstructing the timely completion of disciplinary proceedings against him. We do not find any merit in the OA and hence, dismiss it. We also direct the respondent to conclude the enquiry proceedings within a period of three months from the date of receipt of a copy of this order considering the fact that the applicant has retired more than 4 years ago and he has not been paid his retiral benefits and has been getting only the provisional pension. Applicant is also directed to fully co-operate with the respondents in the conduct and completion of the disciplinary proceedings within the given time frame. No order as to costs.”*

3. Now, the applicant has preferred the instant application seeking review of the order dated 27.01.2016, mainly on the ground that it suffers from ex-facie error in as much as to direct the respondents to conclude the inquiry proceedings and to observe that the applicant is getting provisional pension. According to the Review Applicant, the fact that the inquiry officer had completed the inquiry and submitted his report way back on 03.11.2015 itself but this fact was not disclosed by the respondents to this Hon'ble Tribunal during the course of hearing of OA No. 1690/2014. The Review Applicant has also stated in the R.A that a copy of the EO's report was sent to him by the Disciplinary Authority vide letter dated 04.11.2015 directing him vide letter dated 03.02.2016 to file his representation against it, if any. It is also alleged that the written submissions of the applicant were not considered by the Tribunal and implementation of the impugned order will cause irreparable loss to the applicant. On the basis of the aforesaid ground, the applicant has sought review of the order of this Tribunal in the manner indicated herein above.

4. We have heard the learned counsel for the applicant and have gone through the records with his valuable help. We are of the considered view that no cogent ground to review the order dated 27.01.2016 is made out.

5. It is not a matter of dispute that all the points now sought to be urged on behalf of the applicant have already been considered and rejected by this Tribunal while deciding the main O.A. Admittedly, the disciplinary authority has not yet passed any punishment order on the basis of the inquiry report dated 03.11.2015 (Annexure R/2). The time frame of 3 months given by the Tribunal to the Disciplinary Authority for concluding the Disciplinary Enquiry (DE) proceedings has not yet expired. The proceedings would get concluded only after the Disciplinary Authority passes the order of punishment. Hence it is only logical that the disciplinary authority is allowed to complete the Disciplinary Enquiry proceedings within the stipulated time period.

6. It is fairly evident that neither there is any ambiguity in the main order of this Tribunal and nor there is any error apparent on the face of the record, which is a condition precedent to invoke the jurisdiction of review of this Tribunal. No ground much less cogent to entertain the review petition is made out.

7. In the light of aforesaid reasons, we do not find any merit in the R.A and the same is hereby dismissed. No order as to costs.

(K. N. Shrivastava)  
Member (A)

(Justice M. S. Sullar)  
Member (J)

/Maya/