

**Central Administrative Tribunal
Principal Bench
New Delhi**

**RA No.76/2017
in
OA No.2339/2004**

Order Reserved on : 24.09.2018
Pronounced on : 16.10.2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

Dr. B. N. Mittal through LRs

1. Dr. Krishna Mittal,
R/o B-195, Ground Floor,
C.R.Park, New Delhi-110019.
2. Mr. Deepak Mittal,
R/o F-3, Block-I,
Sindur Sea Princess Apartments,
No.9, Costal Road, Besant Nagar,
Chennai-600090.
3. Mr. Amit Mittal,
R/o 304, Orchid Fantasy Garden,
2nd Main, 4th Cross, Kasturi Nagar,
Bangalore-560043. ... Applicants

(By Ms. Tamali Wad and Ms. Saumya Jain, Advocates)

Versus

1. Union of India through Secretary,
Ministry of Health and Family Welfare,
Nirman Bhawan, New Delhi.
2. Director General of Health Services,
Ministry of Health and Family Welfare,
Nirman Bhawan, New Delhi. ... Respondents

(By Mr. R. K. Jain, Advocate)

ORDER

Justice L. Narasimha Reddy, Chairman :

The deceased applicant was working as Deputy Director General (Leprosy), and he retired from service on 31.01.1999. However, disciplinary proceedings were initiated against him after retirement, and through an order dated 09.07.2004, penalty of 100% cut in pension was imposed. He filed OA No.2339/2004 challenging the order of punishment. The OA underwent several stages of disposal, and remand by the High Court. The original applicant died while the OA was pending, and his legal representatives, the applicants herein, came on record. Ultimately it was recently allowed on 02.02.2017.

2. Present review application is filed seeking review of the order dated 02.02.2017 on three aspects, i.e., (i) that the legal representatives of the deceased sole applicant were not shown in the cause title; (ii) that the observations made by the Tribunal in para 8 of the order pertaining to disagreement with the charges by the disciplinary authority, was not correctly mentioned; and (iii) that the observation made by the Tribunal at para 10 of the order that the learned counsel for the applicant

is not able to point out any extraneous material in the report of the UPSC, is contrary to the record.

3. We heard Ms. Tamali Wad with Ms. Saumya Jain, learned counsel for the applicants, and Mr. R. K. Jain, learned counsel for the respondents.

4. The review sought as regards the memorandum of parties does not present much of difficulty. Obviously because the factum of the legal representatives having been brought on record was not noticed, they were not mentioned in the cause title of the order. We direct that the cause title shall be amended accordingly.

5. Coming to the other two contentions, we do not find any basis for reviewing the order on those lines. The OA was allowed and the order impugned therein was set aside, so much so, that the possibility of the disciplinary proceedings being initiated afresh was also blocked. It is stated that the writ petition filed against the order of the Tribunal is pending in the Delhi High Court.

6. It is fairly well settled principle of law that when a judgment of a Court is appealed against, the Court which

rendered the judgment cannot undertake any review. Even otherwise, we do not find any factual support for the plea taken by the applicants.

7. Therefore, the review is allowed only to the limited extent, directing the amendment of the cause title in the order dated 02.02.2017. It is rejected in all other respects.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/as/