

**Central Administrative Tribunal
Principal Bench**

**RA No.225/2018 in
OA No.4149/2014**

New Delhi, this the 16th day of November, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Pradeep Kumar, Member (A)**

Keshavlal Trikamlal Maru
S/o Trikamlal Ukabhai Maru,
R/o G-627, 6th Floor, Raj Arcade,
Mahavir Nagar, Opp. D'Mart Mall,
Kandivali (West), Mumbai-400067. ... Applicant

(By Advocate: Mr. S. K. Gupta, Advocate)

Versus

1. Union of India through Secretary,
Ministry of Finance,
Department of Revenue,
North Block, New Delhi.
2. Chairman,
Central Board of Direct Taxes,
Ministry of Finance,
Department of Revenue,
North Block, New Delhi.
3. Director General of Income Tax (Vig.),
1st Floor, Dayal Singh Library
1, Deen Dayal Upadhyay
New Delhi. ... Respondents

ORDER (ORAL)

Justice L. Narasimha Reddy:-

This Application is filed with a prayer to review the Order dated 26.09.2018 passed in OA No.4149/2014. In the grounds for review, it is stated that certain

judgments cited by the applicant in the course of argument, were not dealt with.

2. Though the review could have been dealt with in circulation itself, we posted the matter for hearing to give an opportunity to the learned counsel for the applicant.

3. Shri S.K. Gupta, learned counsel for the applicant submits that certain judgments as mentioned in paragraphs 5 and 6 of the RA, were not taken into account.

4. It is true that quite large number of precedents were cited during the course of hearing. We find that on a particular point, several judgments were cited. We took into account the one, wherein the principle was discussed at length with reference to the facts, and felt it is not necessary to refer to all judgments that are decided on the same point.

5. It is argued that the facts in the judgment of the Supreme Court in the case of **Brajendra Singh Yambem Vs. UOI** (2016) 9 SCC 20, were not properly reflected in our Order. To satisfy ourselves, whether any mistake has crept in, into the Order, we have gone through the judgment in the aforesaid case.

6. Learned counsel for the applicant submitted that the observation made by us that the initial charge sheet in *Brajendra Singh Yambem's* case was issued four years after the incident, was not factually correct. This aspect, however, is borne out by paragraph 37 of the said judgment. The relevant part of which reads as under:-

"37. The appellant challenged the correctness of the sanction and charges framed against him before the High Court of Gauhati, Imphal Bench in W.P. (C) No. 264 of 2010. The High Court quashed the Memorandum of Charges on the ground that it was issued after four years from the date of the alleged incident. Therefore, it was held that the said action of the Disciplinary Authority in initiating disciplinary proceedings is not valid in law as the same was barred by limitation as per the provision of Rule 9(2)(b)(ii) of the CCS (Pension) Rules 1972. This important legal aspect of the case was not considered by the Division Bench of the High Court while setting aside the common judgment and order dated 01.09.2010 passed by the learned single Judge in Writ Petition No. 904 of 2008 (arms and ammunitions case) and Writ Petition No. 264 of 2010 (contraband ganja case)."

7. Other grounds pleaded, are equally untenable. We do not find any basis to review the Order passed in the OA. The RA is accordingly dismissed.

(Pradeep Kumar)
Member(A)

(Justice L. Narasimha Reddy)
Chairman

/vb/