

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**R.A. No. 180/00008/2018 in O.A No. 180/01097/2017**

Thursday, this the 15<sup>th</sup> day of February, 2018.

**CORAM:**

**HON'BLE Mr. U. SARATHCHANDRAN, JUDICIAL MEMBER  
HON'BLE Mr. E.K. BHARAT BHUSHAN, ADMINISTRATIVE MEMBER**

1. Indian Council of Agricultural Research,  
Represented by its Secretary/Director General,  
Krishi Bhavan, Dr. Rajendra Prasad Road,  
New Delhi - 110 001.
2. Central Institute of Fisheries Technology - TCAR,  
Represented by its Director, CIFT Junction,  
Willingdon Island, Matsyapuri P.O.,  
Cochin - 682 029., Ernakulam District.
3. The Director General,  
Indian Council of Agricultural Research,  
Krishi Bhavan, Dr. Rajendra Prasad Road,  
New Delhi - 110 001.
4. The Director,  
ICAR - Central Institute of Fisheries Technology,  
CIFT Junction, Matsyapuri P.O., Willingdon Island,  
Cochin - 682 029, Ernakulam District. - Review Applicants/  
Respondents 2 to 5 in O.A

[By Advocate Mr. P. Santhosh Kumar]

**Versus**

1. T.B. Assise Francis, Aged 59 years,  
S/o. T.P.Bappu,  
Technical Officer (under suspension),  
ICAR - Central Institute of Fisheries Technology,  
CIFT Junction, Willingdon Island,  
Matsyapuri P.O., Cochin - 29,  
Residing at Thathamangottath (H),  
Kumbalangi P.O., Kochi - 682 007.
2. Union of India,  
Represented by its Secretary,  
Ministry of Agriculture & Farmer's Welfare,  
Krishi Bhavan, Dr. Rajendra Prasad Road,  
New Delhi - 110 001. - Respondents/  
Applicant and 1<sup>st</sup> respondent in O.A

The Review Application having been considered on circulation the Tribunal on 14.02.2018 delivered the following:-

**ORDER (By circulation)**

**Per: E.K. Bharat Bhushan, Administrative Member**

This Review Application is filed by the respondents in the OA to review the order dated 05.01.2018 in OA 1097/2017. That OA was disposed of with a direction to the 4<sup>th</sup> respondent to consider Annexure A3 appeal on merits and dispose of the same through a speaking order within one month of receipt of copy of that order.

2. The Review Applicants argue that though time was granted for filing a reply statement, this Tribunal disposed of the OA without waiting for the reply statement. Applicant is a habitual offender violating the provisions of the Conduct Rules and on account of his insubordination, disobedience and dereliction to duties, the Annexure A1 Memorandum was issued and the applicant was kept under suspension. This Tribunal has not considered the above facts while disposing of the OA. The order of suspension was issued following the prescribed procedure, power and authority given by the statute for suspension contemplating a disciplinary proceedings, which is well within the jurisdiction of the authority.

3. We have perused the documents/records placed on record.

4. The scope for a Review Application under Sub Clause (f) of Sub-Section (3) of Section 22 of the Administrative Tribunals Act, 1985 is limited. It is maintainable only, if the applicants for review are able to point out an error apparent on the face of the record which merits a

review of the order sought to be reviewed. In the instant case, as per order at RA-1, this Tribunal on 05.01.2018 had directed Respondent No. 4 to consider the appeal submitted by the applicant (Annexure A-3 in the O.A) within a prescribed time limit. The order was issued after hearing the applicant and after the Tribunal came to the conclusion that such a direction was called for in the interest of justice. The order, in no way, places the applicants in the RA (the respondents in the OA) at any disadvantage in respect to the applicant in the OA. Besides the Review Applicants have not been able to indicate any error, much less an error apparent on the face of the record meriting a review. The Review Application is liable to be rejected on this ground and is accordingly rejected. No order as to costs.

(Dated, 15<sup>th</sup> February, 2018.)

**(E.K.BHARAT BHUSHAN)**  
**ADMINISTRATIVE MEMBER**

**(U. SARATHCHANDRAN)**  
**JUDICIAL MEMBER**

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**Review Applicants' Annexure**

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|-------------------|--|
| Annexure RA1 :    | True Photostat Copy of the Order dated 05.01.2018 in O.A No. 1097/2017               |
| Annexure RA2 :    | True Photostat Copy of the Counsel Statement dated 01.01.2018.                       |
| Annexure RA3 :    | True Photostat Copy of the order of this Hon'ble Tribunal dated 01.01.2018.          |
| Annexure RA4 :    | True Photostat Copy of the Office Memorandum dated 06.06.2013.                       |
| Annexure RA5 :    | True Photostat Copy of Memorandum dated 13.01.2010, issued by concerned authorities. |
| Annexure Ra-5(1): | True Photostat Copy of Memorandum dated 05.02.2010, issued by concerned authorities. |

- Annexure Ra-5(2): True Photostat Copy of Memorandum dated 08.07.2011, issued by concerned authorities.
- Annexure Ra-5(3): True Photostat Copy of Memorandum dated 27.11.2013, issued by concerned authorities.
- Annexure Ra-5(4): True Photostat Copy of Memorandum dated 18.11.2016, issued by concerned authorities.
- Annexure Ra-5(5): True Photostat Copy of Memorandum dated 05.12.2016, issued by concerned authorities.

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