

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
**R.A. No. 060/100001/2019 in
ORIGINAL APPLICATION NO. 060/189/2017**

Chandigarh, this the 9th day of May, 2019

...
**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MRS. P. GOPINATH, MEMBER (A)**

...
Charanjit Singh, Postman, aged 56 years, G.P.O. Ambala Catt, r/o
House No. 1083, Allugodam, Ambala Cantt (Pin 133001)

....Review applicant
(By Advocate: Shri Balbir Singh Saini)

VERSUS

1. Union of India, through Senior Superintendent of Post Offices, Ambala Division, Ambala Cantt.
2. Director Postal Services, Haryana Circle, Ambala Cantt.
3. Senior Superintendent of Post Offices, Ambala Division, Ambala Cantt.
4. Sh. R.S. Narwal, Senior Post Master posted in G.P.O. Ambala Cantt in years 2011 and 2012, and now service to be effected through Senior Superintendent Post Offices, Ambala Division, Ambala Cantt.

....RESPONDENTS

ORDER (oral)

SANJEEV KAUSHIK, MEMBER (J)

The present Review Application has been filed by applicant for review of order dated 10.12.2018, whereby O.A. No. 060/00189/2017 was dismissed.

2. We have heard the learned counsel for review applicant and have again gone through the file of O.A. as well.
3. A charge-sheet under rule 16 of CCS (CCA) Rules, 1965, was issued for minor penalty on 12.11.2011 (Annexure A-7) against the applicant. Despite asking, applicant did not appear so I.O. finalized

report. After consideration of the same, the punishment of withholding of next one increment for a period of 3 years without cumulative effect was imposed vide order dated 6.2.2012 (Annexure A-3) by the Disciplinary Authority. The appeal filed by applicant was rejected. Even the Revision Petition filed by applicant was also rejected.

4. The power of this Tribunal to review its order/decision under Section 22(3)(f) of the A.T. Act, 1985, is akin to the power of a Civil Court under Section 114 read with Order 47 Rule 1 of CPC. The Tribunal can review its decision on either of the grounds enumerated in Order 47 Rule 1, and not otherwise. An error which is not self-evident, and which can only be discovered by a long process of reasoning, cannot be treated as an error apparent on the face of record justifying exercise of power under Section 22(3)(f) of the Act.

5. A perusal of R.A. shows that the applicant has tried to re-argue the case all over again. During arguments, we asked the learned counsel to pin point the errors apparent on face of record, but he was unable to refer to any factual error, much less apparent on the face of record, which may led us to review our order. He submitted that Court summon the record and on examination of same, decided the O.A. which could not be done, without bringing the same to the notice of the applicant. It is well settled that the Court has to examine only flaw in decision making process and the record was summoned to satisfy our judicial

conscience in that relevant connection. On examining the record and pleadings, the court recorded the finding that there was no flaw in decision making process in the impugned proceedings.

6. The nature of pleadings in R.A., apparently at best would be a ground to file a judicial review in Hon'ble High Court. When we were not inclined to entertain this R.A., the learned counsel got furious and started shouting and tried to brow-beat the Bench. Considering his behaviour, we were inclined to initiate contempt proceedings against him. However, considering his old age and as a matter of indulgence, we restrain ourselves from doing so. However, we would observe that this attitude of the learned counsel cannot be appreciated by a Court of law and that the Advocates being officers of the court, should act with added responsibility and desist from scandalizing the court.

7. In any case, we have also gone through the order and find no error therein. The Court has recorded findings based on evidence, pleading, public record. Finding that sufficient opportunity was granted to the applicant to participate in the enquiry which he himself did not avail and as such proceedings were initiated against him ex-parte, Court did not find any fault in that action, in that relevant connection. After enquiry, The Disciplinary Authority has passed the order, which has been affirmed by the Appellate Authority as well as Revisional Authority. The order by this Court was passed based upon judicial pronouncements and pleadings. In judicial pronouncements, it has been impressed upon that Court

cannot re-appreciate the evidence and that the proceedings were conducted as per rules and law and even punishment imposed was proper.

8. In wake of the above discussion, we dismiss this R.A. being devoid of any merit and in fact in the nature of a frivolous application, with costs of Rs. 10000/- .

(P.GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 09.05.2019
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