

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
RA/050/00045/2019
[Arising out of OA/050/00231/2016]

Date of Order: 28/08/2019

C O R A M

HON'BLE MR. JAYESH V. BHAIRAVIA, JUDICIAL MEMBER
HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER

Atul Kumar Singh , Applicant.

- Versus -

Union of India & Ors. Respondents.

O R D E R
[In Circulation]

Per Dinesh Sharma, A.M.:- The instant Review Application has been filed seeking review of our order dated 17.07.2019 passed in OA/050/00231/2016 by which the OA was dismissed.

2. The review applicant besides mentioning grounds for review has given elaborate reasons and cited various judicial pronouncements to impress upon the Tribunal the circumstances in which a judgment can be reviewed. I have gone through the grounds for review mentioned in the RA. The review applicant feels that an error of law has been committed since he thinks that Government of India decisions issued vide G.I.M.F O.M. No. F12(2)-E-II(A)/60 dated 15th Oct. 1960 contained in Rule 12 of CCS(CCA) Rules, 1965 (Disciplinary Authorities) has escaped from the sight of the Hon'ble Tribunal, which says:

“ It has been decided that an order appointing an officer to hold the current charge of the duties of a post should in the absence of any specific direction to the contrary, be deemed to clothe the officer with all the powers vested in the fullfledged incumbent of that post, such an officer should not however, modify or overrule the orders of the regular incumbent of the post except in an emergency without obtaining the order of the next higher authority.”

He has also alleged that the officer who removed the applicant from service was not the Head of the office. He has also contested that the Tribunal’s not finding non-appearance of the Principal, A.N. College as a witness as strong enough reason to invalidate the inquiry as another instance of error of law and he has quoted a number of decisions to support this argument. The review applicant has also found fault in considering the order of Disciplinary and Appellate Authority as detailed orders and for not finding fault with the use of word “disposed” by the Appellate Authority.

3. All these grounds are apparently grounds for filing an appeal against the order of this Tribunal and do not qualify to be raised in a review petition. There is apparently no error on the face of record in the order under review and if the review applicant differs with the findings of the Tribunal, he is well within his rights to file an appeal against that order. The RA, is, therefore, dismissed.

**[Dinesh Sharma]
Administrative Member**

Hon'ble Mr. Jayesh V. Bhairavia, Judl. Member