

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

R.A.No.39/2007
M.A.No.1417/2007
M.A.No.454/2007
O.A.NO.1596/2003

Hon'ble Shri N.D.Dayal, Member (A)

New Delhi, this the 24th day of August, 2007

H.C. Hardutt Singh
Belt No.193/Cr.
S/o Shri Balbir Singh
R/o Quarter No.D-123
New Police Line
Kingsway Camp
New Delhi.

.... Applicant

(By Advocate: Sh. R.K.Shukla)

vs.

1. The Commissioner of Police
(NCT of Delhi)
Police Headquarters
I.P.Estate
New Delhi.
2. The Deputy Commissioner of Police
Police Headquarters
I.P.Estate
New Delhi.
3. Shri Qamar Ahmed (Addl. Commissioner)
New Joint Commissioner of Police
Police Headquarters
I.P.Estate
New Delhi.
4. Shri C.B.Surtiya (ACP Computer)
Crime Branch Computer Centre

P.H.Q.
I.P.Estate
New Delhi.

5. Shri Kuldeep Singh
(Inspector Computer)
Crime Branch Computer Centre
P.H.Q.,
I.P.Estate
New Delhi and

6. Shri Shivaji Chauhan
(Inspector Computer)
Crime Branch Computer Centre
P.H.Q.,
I.P.Estate
New Delhi.

.... Respondents

ORDER

This is an RA No.39/2007 filed in OA NO.1596/2003 which was decided on 23.03.2005 by the Single Bench of Hon'ble Vice Chairman (Judicial) who has since retired.

2. The Review Application was filed on 23.01.2007 which is beyond 30 days from the date of the order passed in the OA. As such the applicant has submitted an MA No.454/2007 seeking condonation of delay on the ground that certified copy of the Judgment was not immediately available and the applicant was also facing medical problems. Besides, his counsel had not taken any steps in this matter which fact came to the notice of the applicant only in the month of December 2006. Therefore, it is prayed that the delay of one year, nine months may be condoned to do substantial justice.

3. The applicant in the RA has preferred another MA 1417/2007 seeking permission to file Delhi Police Commissioner's Standing Order No.14 as it is stated

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that the order has now been traced out and the relevant portion has been discovered which is necessary for proper adjudication.

4. The learned counsel for the applicant has submitted that the Standing Order of the Department was not in the knowledge of the applicant and, therefore, could not be produced as observed by the Tribunal in para 13 of the order passed in the OA. It is however difficult to appreciate that a Standing Order of the Department could not with due diligence be within the knowledge of the applicant at the time of hearing of the OA as it is seen to be dated 25.04.1989 and being a Standing Order had evidently been brought to the general notice of the employees. It is not the case of the applicant that Standing Orders are kept confidential or for restricted circulation.

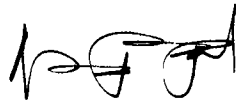
5. It has further been submitted that the show cause notice was issued to the applicant by the same Assistant Commissioner of Police (ACP) who also issued the order of penalty imposing the punishment of censure upon the applicant after consideration of his representation and, therefore, since the allegation was of misbehaviour with the ACP, he could not have been judge in his own cause. It is stated that this important point, which is a basic tenet of natural justice and could not have been ignored, has not been considered by the Tribunal which constitutes an error on the face of the record. It is however observed that such argument has been considered by the Tribunal in para 14 of the order passed in the OA and a view taken thereon. It is well settled that a review would not be justified to correct an erroneous decision on merits or if two views were possible in the same case.

6. The various grounds taken by the applicant in the Review Application appear to be mainly an attempt to reargue the matter which is not permissible in review. An application for review can be considered only if any new material is

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brought to the notice which could not have been so placed with due diligence earlier on and also if there is an error or mistake apparent on the face of the record.

7. In view of the above and the ratio of the Judgment of the Hon'ble Supreme Court in Union of India v. Tarit Ranjan Das, 2004 SCC(L&S) 160, I am not persuaded that there are sufficient grounds for intervention in the matter by invoking the review jurisdiction. The RA and MAs are, therefore, dismissed without any order as to costs.



(N.D.Dayal)
Member (A)

/Rao/