Central Administrative Tribunal, Principal Bench

Review Application No.46/2004 in
Original Application No.576 of 2003

New Delhi, this the 12th day of February,2004

Hon´ble Mr.Justice V.S.Aggarwal,Chairman
Hon´ble Mr.S.A. Singh,Member(A)

R.R. Sharma   ....Applicant

Versus

GNCT of Delhi & ors.   ....Respondents

O R D E R(By Circulation)

By Justice V.S. Aggarwal,Chairman

Applicant R.R. Sharma had filed O.A.576/2003. It was decided on 3.11.2003. One of the questions considered was that the disciplinary authority considered the report of the enquiry officer without considering the representation of the applicant. This fact found favour with this Tribunal and the impugned orders were quashed directing the disciplinary authority to consider the representation and thereafter pass a fresh order in accordance with law.

2.   By virtue of the present application, the respondents/petitioners seek review of the same contending that the applicant had mischievously submitted a representation in the Office of DHS who was not the disciplinary authority. He could have sent a copy to the disciplinary authority directly. The DHS however had forwarded the representation to the Directorate of Vigilance on 13.3.2001.

3.   The plea raised is that it was wrongly observed that the representation was served in the Office of the

Director of Vigilance and was forwarded to the disciplinary authority on 13.3.2001.

4.   The record reveals that the representation was addressed to the Chief Secretary (disciplinary authority). It was received on 28.2.2001 and on 13.3.2001, was forwarded to the Directorate of Vigilance. The net result remains the same that the representation had been moved which was not considered before the order was passed by the disciplinary authority. Therefore, there is no scope to conclude that there is apparent error on the face of the record calling for review of the same. Review Application must fail and is dismissed in circulation.

(S.A. Singh)
Member(A)

(V.S. Aggarwal)
Chairman

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