

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

2

RA 243/2003
IN

OA 103/2003

New Delhi, this the 1st day of October, 2003

HON BLE SHRI V.K. MAJITHRA, MEMBER (A) ✓
HON BLE SHRI SHANKER RAJU, MEMBER (J)

K.V.S. & ORS.

...Review Applicants

(By Shri S. Rajappa, Advocate)

Versus

Sangeeta Ashok

...Respondent/
(Original applicant)

(By Shri M.K. Bhardwaj, Advocate)

ORDER (ORAL)

Order delivered by Mr. Shanker Raju, Member (J)

Review Application is allowed. As the impugned Memorandum was dated 27.12.2002 where the disciplinary authority, who was the complainant in a criminal case, has issued the Memorandum dated 23.12.1987, as per the cardinal principle, no one cannot be allowed to be a judge to his own cause, OA was partly allowed with the intention to set aside the Memorandum dated 27.12.2002. We are satisfied that inadvertently instead of quashing of Memorandum dated 27.12.2002, Memorandum dated 23.12.1987 is shown to have been quashed. The aforesaid error apparent on the face of record, being typographical, is rectified and the Memorandum dated 27.12.2002 may be read as quashed in place of Memorandum dated 23.12.1987.

2. Learned counsel for the original applicant i.e. respondent in the RA, Shri M.K. Bhardwaj contends

that once the tribunal has given a specific finding on the issue of bias of the enquiry officer the order may be recalled and matter be re-heard. We are of the view that as no appropriate remedy has been taken by the applicant to assail his grievance, his request is rejected. However, he would be at liberty to take recourse to remedy in accordance with law.

A copy of this order be given to both the parties.

S. Raju

(Shanker Raju)
Member (J)

/na/

V.K. Majotra

(V.K. Majotra)
Member (A)