

(2011) 03 DEL CK 0384

Delhi High Court

Case No: Writ Petition (C) No. 13522 of 2005

Manik Rao

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision: March 29, 2011**Hon'ble Judges:** Veena Birbal, J; Anil Kumar, J**Bench:** Division Bench**Advocate:** None, for the Appellant; Baldev Malik, for the Respondent**Final Decision:** Dismissed

Judgement

Anil Kumar, J.

The Petitioner had challenged the penalty of reduction to the lower time scale by two steps which had been imposed upon him for a period of four years from retrospective effect w.e.f. 06.08.1992 i.e. the day when he was placed under suspension, by filing O.A. No. 2001/2000 titled as Manik Rao v. Union of India and Ors. which was dismissed by the Tribunal by order dated 10.05.2001.

2. Against the order of the Tribunal, a writ petition was filed by the Petitioner being CWP No. 2222/2002 titled as Manik Rao v. Union of India which was also dismissed with the observation that the questions which had been raised by the Petitioner before the Tribunal which had not been gone into, the remedy of the Petitioner for this would be to file an appropriate application for review before the Tribunal.

3. Taking clue from the dismissal order dated 09.04.2002 passed by the High Court, a review application being R.A. No. 164/2002 in O.A. No. 2001/2000 was filed by the Petitioner which was also dismissed by order dated 08.07.2003.

4. The Petitioner has challenged the order dated 08.07.2003 dismissing the review application in the present writ petition. While dismissing the review application, the Tribunal had held that it cannot re-appreciate the evidence and there are no grounds to interfere with the order passed by the Disciplinary Authority on the ground that it was on the basis of no evidence. The Tribunal had also held that it in

fact dismissed the application while appreciating the evidence. But the same plea cannot be entertained by the Tribunal again in the review petition.

5. No one is present on behalf of the Petitioner. The writ petition is, therefore, dismissed in default of appearance of Petitioner and his counsel.