

(5)

CENTRAL ADMINISTRATIVE TRIBUNAL,
PRINCIPAL BENCH

RA No. 104/99 & MA 880/99
in
OA 740/98

New Delhi, this 13th day of May, 1999

Hon'ble Shri T.N. Bhat, Member (J)
Hon'ble Shri S.P. Biswas, Member (A)

1. Secretary,
Ministry of Agriculture,
Rafi Marg, New Delhi.
2. Delhi Milk Scheme,
Through the General Manager,
West Patel Nagar,
Shahi Pur Depot, ... Review applicants
New Delhi.

(By Advocate: Shri V.S.R. Krishna)

Versus

1. Bans Raj	s/o Sh. Kewal Hari
2. Raj Ram	s/o Sh. Shri Chand
3. Shishpal	s/o Sh. Chatter Singh
4. Savraj Kumar	s/o Sh. Umar Singh
5. Sumanpal	s/o Sh. Gopal Singh
6. Jagdish Chand	s/o Sh. Hari Ram
7. Manorath Prasad	s/o Sh. Thagiram
8. Karpath Singh	s/o Sh. Ram Dass
9. Sunder Lal	s/o Sh. Ram Prasad
10. Prem Chand	s/o Sh. Ram Prasad

..... Respondents (Applicants
in O.A.)

(By Advocate; None)

O R D E R (BY CIRCULATION)

Hon'ble Shri T.N. Bhat, Member (J):

1. This R.A. has been filed by the respondents in the O.A. on 16.4.1999 seeking review of the judgement dated 24.12.1998 allowing the OA 740/98 to the extent of directing the respondents in the OA to consider the cases of the applicants also for promotion to the post of Heavy

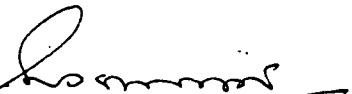
May 5. 99.
13.5.99.

Vehicle Drivers provided they are found fit and eligible. The review applicants allege in the RA that there is an error apparent on the face of the record. An MA has also been filed by them for condonation of delay.

2. It may be stated at the outset that the Tribunal can exercise the power of review under Order 47, Rule 1 of CPC only if there is either a discovery of a new and important piece of evidence, which inspite of due diligence was not available with the review applicant at the time of hearing or when the order was made, or there is an error apparent on the face of the record. We find not only that none of these ingredients is disclosed in the review application but also that the ground now taken by the review applicants in the RA was considered while deciding the OA. In our considered view there are no grounds made out which would warrant exercise of our power of review.

3. It is also evident that the RA is hopelessly barred by time, as the judgement in the OA was delivered on 24.12.1998 and the RA has been filed only on 16.4.1999. No good ground is shown in the MA 880/99 seeking condonation of delay in filing the RA. Even on merits, this RA would not lie, for the simple reason that no error apparent on the face of the record has been disclosed in the RA nor has it been shown that some evidence which was not available at the time of the passing of the judgement order has been discovered later.

4. For the foregoing reasons the RA is hereby dismissed, by circulation.


(S.P. Biswas)
Member (A)
naresh


(T.N. Bhat)
Member (J)