

Central Administrative Tribunal  
Principal Bench

25

R.A. No. 207/95  
M.A. No. 1984/95  
in  
O.A. No. 865/94

New Delhi, this the 22 day of August, 1995.

Hon'ble Shri J.P.Sharma, Member (J)  
Hon'ble Shri B.K. Singh, Member (A)

Shri Bindeshwar Singh s/o  
Shri Sunder Singh working as  
Mali un er Station Engineer,  
Doordarshan T.V.Tower, Pritampura,  
New Delhi

R/o 347, Tirthak Jain Nagar,  
Village Karala, Delhi-91      ...Review applicant  
(By none)

Versus

Union of India through  
the Director General Doordarshan,  
Mandi House,  
New Delhi.      ...Respondents

(By none)

ORDER

By Hon'ble Shri J.P.Sharma, Member (J)

The judgement in O.A. No. 865/94 where the applicant prayed for the grant of the relief that respondents be directed to continue him as casual Mali in preference to those with less service and w.e.f. 1.9.1993 he be given the benefit of temporary status, was decided on 28th April, 1995. The applicant has prayed in the review application filed on 28th July, 1995 for the review of the said judgement, and since it is beyond one month's period, the M.A. 1984/95 has been

26

filed to condone the delay. Since the delay is of only few days and the petitioner has shown reasons in the aforesaid M.A., we condone the delay and dispose of the R.A. on merit.

The review of the judgement lies on the grounds analogous to the grounds laid down in order 41 rule 1 CPC. There should be some error apparent on the face of the judgement or there should be some evidence to be relied by the petitioner which was not in his knowledge with due diligence by the time of hearing and he subsequently procured that evidence and on that basis wants the judgement to be re-considered and lastly on certain analogous grounds.

The grounds taken in this review application is only that there is certain error apparent on the face of the order. The first ground taken is that the respondents have filed the reply which is totally false and the documents relied upon by the respondents are forged. This point cannot be threshed in the R.A. It was open to the applicant in his rejoinder to point out any falsehood stated in the reply filed by the respondents or to point out the documents which have been forged. The review applicant has referred to the authority of A.R. Antuley V/s. R.S.Nayak and Anr., 1988(2) JT(352). He has also referred to the case of S.Natraj V.State of Karnataka (1994) 26 ATC P.448. It is, therefore, averred that the

✓  
27

order of the Court should not be prejudicial to any one and if there is error apparent which is pointed out or noticed, the court should correct the same. The first ground taken by the review applicant in para 5 is that the respondents have misrepresented the case and that the post of Mali is a regular one but from the evidence on file and documents produced, which have been referred to extensively in the judgement, goes to show that the work was being taken on contract basis. In para 6 & 5, the same thing has been further illustrated but the case cannot be re-opened for fresh arguments. Para No. 8, 9 & 10 refers to certain vouchers filed as documents by the respondents in support of the contention that the applicant was working on contract basis. Now this question cannot be re-opened when the documents have already been discussed on the basis of points raised by the learned counsel for the applicant during hearing. In para 11, 12, 13 & 14, the review applicant has referred to certain judgements but these are not at all relevant to the point for decision in the review application. Thus, there is no error apparent on the face of the judgement which calls for review of the order.

The review application is, therefore, dismissed accordingly.

  
( B.K. SINGH)  
MEMBER (A)

  
( J.P. SHARMA)  
MEMBER (J)

/nka/