

Central Administrative Tribunal
Principal Bench: New Delhi

RA No.135/96
IN
OA No.92/96

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New Delhi this the 20 day of January 1997.

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)
Hon'ble Mr R.K.Ahooja, Member (A)

Shri Nand Ram-77-L
S/o Sh. Kanahya Lal
R/o Barrack No.II Old Police Line
Rajpur Road, Delhi.

...Applicant.

(By advocate: Mrs Meera Chhibber)

Versus

1. Lt. Governor
Raj Niwas
Govt. of NCT of Delhi
Delhi.
2. Commissioner of Police
Delhi Police Hqs.
MSO Building, I.P.Estate
Delhi.
3. Dy. Commissioner of Police
HQs.(I) Delhi
Police HQs, I.P.Estate
Delhi.
4. Shri Mansa Ram, ASI (Mounted)
No.835/L
through Dy. Commissioner of Police
HQs (I) PHQ, IP Estate, New Delhi.

....Respondents.

(By advocate: Shri Arun Bhardwaj)

O R D E R

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)

This review application has been filed by the respondent No..2 in the OA seeking a review of the order dated 9th May 1996. It is nowhere stated in the review application that the order suffers from any error apparent on the face of records. It appears that the only ground canvassed for review is that some new facts have come to light which would materially affect the outcome of the case but were not placed before the Tribunal. The "new facts" which have come "to light", according to the review applicant is that the Lt. Governor had by order dated 11.4.96 conveyed approval for ad-hoc appointment of Head Constable Nand Ram to the rank of ASI subject to certain conditions and thus an order was passed on 26.4.96 accordingly. These two orders mentioned in the RA as P2 and P3 have neither been

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annexed to the RA ~~nor produced before the Bench~~. Since these two were orders passed by the respondents themselves, they are new or important facts. They were facts within the knowledge of the respondents and these orders were available with them much before the Tribunal ^{had} ~~read~~ this matter and took a final decision. For being a ground for review the new and important fact could not have been ^{even if it was known to the respondents} brought to the notice of the Tribunal. Even if such orders were ~~passed~~, that would not have had any effect on the order, as to the Tribunal was considering the validity of an order passed on 23.5.95. Hence this review application is misconceived and does not even make out a *prima facie* case. The RA is, therefore, dismissed.


(R.K. Ahuja)
Member (A)


(A.V. Haridasan)
Vice Chairman (J)

aa.

last case to appear
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