

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPIAL BENCH

RA No.196/2000 in OA No.2074/96

New Delhi, this 10th day of July, 2000

Hon'ble Justice Shri V.Rajagopala Reddy, VC(J)  
Hon'ble Smt. Shanta Shastry, Member(A)

(12)

Suraj Prakash  
68/4, Kabul Lines.  
Delhi Cantt-10

.. Applicant

(By Shri S.S.Tiwari, Advocate)

Versus

Union of India, through

1. Secretary  
Ministry of Defence, New Delhi
2. Commander Works Engineer  
Delhi Cantt-10
3. Hqrs. Western Command  
Engineers Branch, Chandimandir
4. Garrison Engineer (East)  
Delhi Cantt-10

.. Respondents

ORDER(in circulation)

Smt. Shanta Shastry

This is a Review Application filed by the applicant against the oral order and judgement dated 23.3.2000 by which OA No.2074/96 was dismissed for the reasons mentioned therein. When the order was dictated in the open court neither the applicant nor his counsel was present.

2. We have carefully gone through the averments made in the RA but we find that the review applicant has only repeated the same set of facts and grounds that were given in the OA, which have already been taken care of before dictating the judgement in the open court. Thus we do not find any error apparent on the face of the record as contended by the review applicant.

3. It is also noticed that the RA has been filed on 26.6.2000 i.e. beyond the stipulated period of 30 days from the date of receipt of a copy of the judgement. Though no MA for condonation of delay in filing the RA

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has been filed, review applicant has simply stated in para 5 of the RA that a copy of the order dated 23.3.2000 was ready only on 17.5.2000 and that no copy was received by the applicant till 12.5.2000. We are not inclined to accept this contention, in view of the fact that the copy of judgement, as per records available in this office, was despatched to the applicant on 31.3.2000 at the address given by him in the OA, which is the same in the RA also, but the cover was received back with the remarks of the postal authorities to the effect that despite several visits the addressee was not found to be living in that address. Also the applicant by his own admission has stated to have received it on 12.5.2000. However he has filed the RA on 26.6.2000 which also is beyond the period of 30 days. Thus on this ground alone the RA is liable to be dismissed.

4. That apart, it would be pertinent to reiterate here that the scope of review is very limited. The Tribunal is not vested with any inherent power of review. It exercises that power under Order 47, Rule 1 of CPC which permits review if there is (1) 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; (2) an error apparent on the face of the record or (3) any other analogous ground. None of these ingredients is available in the present RA and therefore the same deserves to be dismissed. We do so accordingly.

*Shanta*

(Smt. Shanta Shastry)  
Member (A)

*Rajagopala Reddy*

(V. Rajagopala Reddy)  
Vice-Chairman (J)

/gtv/