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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

RA No.262/98 in OA No.456/1996

New Delhi, this 28th September, 1998

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

Union of India, through
Rep. by the Chairman
Staff Selection Commission
CGO Complex, Lodi Road
New Delhi .. Review applicant
(Respondent in
OA 456/96)
(By Shri V.S.R. Krishna)

versus

Shri P.V. Narayanan
s/o Shri K. Sankara Marar
16/32, Subash Nagar,
New Delhi .. Respondent

(Shri S.K. Gupta, Advocate)

ORDER

Hon'ble Shri S.P. Biswas

Heard the learned counsel for the parties.

2. This RA has been filed on behalf of Union of India (Respondent in the OA) for review of order and judgement dated 28.5.97 in OA 456/96, the operative portion of which is as under:

- (i) The OA is allowed;
- (ii) Annexure A-1 order dated 11.8.95 is quashed and set aside;
- (iii) Since the applicant had passed the written test, the respondents shall hold a supplementary interview test for the applicant for the post as advertised in July, 1994 notification within a period of one month after giving the applicant 10 days prior notice and if he qualifies in the interview the resultant benefits shall be given to the applicant.

3. Review applicant has also filed MA for condonation of delay in filing the review

J.D.

application stating that though a certified copy of the judgement dated 28.5.97 was received by him only on 26.6.97, since the matter involved corresponding with Chennai Branch of the SSC/DoPT (nodal Ministry) which took time in deciding to seek review of our judgement and therefore the review application has been filed on 17.10.97 and hence the delay of more than four months in filing the review application. Learned counsel for the review applicant prays for condonation of delay in this regard.

4. In so far as the review application is concerned, we find that the grounds now advanced by the review applicant have already been taken care at the time of hearing of the case before the judgement could be delivered. Also the various judgements relied by the review applicant are not applicable in the instant case and therefore the ratios arrived at there do not change the course of the judgement in the OA.

4. Besides, it may be relevant to mention 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. We find none of these ingredients are available in the present review application.

5. Again, as per law laid down by the apex court in the case of **Chandra Kanta & Anr. vs. Sheik Habib** AIR 1975 SC 1500, review of a judgement is a serious step and resort to it is proper only where a glaring omission or patent mistake or like grave error has crept in earlier by judicial fallibility. Obviously, we do not find any error apparent on the face of the record/judgement. We would also like to mention that a review applicant is only trying to reargue the case decided on merits. This is not permissible.

6. Even on merits, we do not find any basis in this case of the review applicant. He argued that A-6 order dated 24.5.95 is nothing new in the sense that the respondent Staff Selection Commission inherits the authority to issue such orders (order dated 24.5.95) following the authority available in A-7 Office Memorandum dated 7.10.87. The learned counsel for the review applicant also submitted that the A-6 order contain only certain norms and is not in the ratio of guidelines which could effect anybody else. We had to point out that A-6 is not a catalogue of norms but in the nature of fresh guidelines which is evident in the latter

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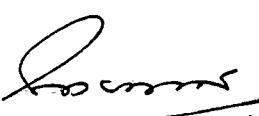
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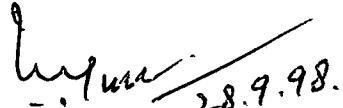
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portion of para 13 of the order. In order to make the point clear, we asked a pinpointed question to the review applicant to indicate if the letter dated 24.5.95 contains anything new/additional vis-a-vis the one dated 7.10.87. And if there is nothing new in A-6, then what was the necessity of issuing the same when the orders were otherwise already available in the OM of 1987. The learned counsel for the review applicant had no answer to this question.

7. We also find that the review application is hit by limitation. He has not come out with any good reasons to persuade us to condone the delays. It is well settled in law that Tribunal/Court has to record in writing that the explanation offered for the delay was reasonable and satisfactory. This is the pre-requisite for condonation of delay (See P.K. Ramchandran Vs. State of Kerala & Anr., JT 1997(8) SC 189). The review applicant has not come out with any convincing explanation for condonation of the delays.

8. For the reasons stated above, the RA is summarily rejected. No costs.


(S.P. Biswas)
Member (A)


28.9.98.
(T.N. Bhat)
Member (J)