

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

RA No.201/98 in OA No.1623/1997

New Delhi, this 5th day of April, 1999

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

S.K. Bhatnagar  
S-8/602, R.K.Puram  
New Delhi

.. Applicant

(By Shri K.C.Mittal, Advocate)

versus

Union of India, through

1. Secretary  
Ministry of Defence  
South Block, New Delhi

2. CAO & JS (Trng)  
Ministry of Defence  
New Delhi

3. Dy. CAO(P)  
Ministry of Defence  
New Delhi

4. Mr. Subhash Kapoor  
Photo Supervisor  
AF FPD, H Block  
M/Defence, New Delhi

5. Asstt. Director of Estates  
Allotment TB/A section  
Dte. of Estates, New Delhi

.. Respondents

(By Shri Gajender Giri, Advocate)

ORDER

Hon'ble Shri S.P. Biswas

This review application is filed on behalf of the applicant seeking review of the judgement and order dated 3.9.98, by which OA No.1623/97 was dismissed, on the ground that there is an error apparent on the face of the record.

2. Because of the special circumstances elaborated by the applicant in the RA, we decided to hear both the parties in the open court after putting them on notice.

3. We have since carefully gone through the averments made in the RA and reconsidered the pleadings/submissions made. We find that the review applicant is only trying to build up his case on the grounds which have already been taken care of before giving our decision. 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.

4. As pleaded subsequently by the review applicant, on 13.2.96 he was very badly dejected and was under lot of mental stress, strain and tension arising out of his father-in-law's recent death due to which his wife has been under great shock and it was just on the verge of mental agony, imbalanced mind and near psychtric wreck that he was accosted by Shri Subhash Kapoor and taken in the cabin of Shri G.D. Singh, Dy. Director where he was lured to pen down the dictation given by the DD. Under the nervous wreck condition, he wrote down whatever was dictated. The disjointed, incoherent manner and repetitive words so written indicated the extent of his mental and nervous


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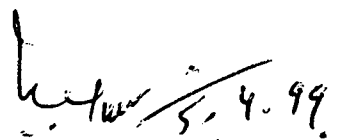
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break-down. He would also submit that the alleged admission of guilt was not voluntary one made in a fit state of mind, but was procured deceitfully. The applicant, therefore, now prays that the same be treated as withdrawn being illegally procured because of the circumstances above.

4. We are not in a position to accept such a stand at this stage. If the details above are true and to be relied upon, the applicant could have taken this ground earlier and approached the respondents long before. That has not been done. The present plea is only an after-thought.

5. Thus, we find that the review applicant has not come with any valid grounds that would warrant review of our judgement. The RA, therefore, deserves to be dismissed and we do so accordingly.

  
(S.P. Biswas)  
Member(A)

  
(T.N. Bhat)  
Member(J)

/gtv/