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CENTRAL ADMINISTRATIVE TRIBUNAL,
PRINCIPAL BENCH

....

RA No.64/99 and MA 517/99
in
OA 2964/97

New Delhi, this 12th day of May, 1999

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

1. Additioinal Commissioner of Police,
Southern Range,
New Delhi.
2. Additional Dy. Commissioner of Police,
West Distt.
New Delhi.
3. Commissioner of Police,
I.P.Estate,
New Delhi. Review applicants

(By Advocate: Shri Arun Bhardwaj)

Versus

Ramdhar Singh s/o Sh. Parshadi Singh,
R/o A-33, Police State,
Paharganj,
New Delhi.

..... Respondents/applicant
in O.A.

(By Advocate: None)

O R D E R (BY CIRCULATION)

Hon'ble Shri T.N.Bhat, Member (J):

1. This R.A. has been filed by the respondents in the O.A. on 01.03.1999 seeking review of the judgement dated 17.12.1998 by which OA 2964/98 was allowed in favour of the applicant, alleging that there is an error apparent on the face of the record. An MA has also been filed for staying the operation of the judgement under review till the disposal of the R.A.

12.5.99

2. At the outset, we may state that the scope of review is very limited. The Tribunal 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 not only that none of these ingredients is disclosed in the review application but also that the ground now taken by the review applicants does not warrant exercise of our power of review.

3. The review applicants (respondents in the O.A.) are aggrieved by para no. 12 of the judgement in which it is held: "We have carefully gone through the departmental record and have not been able to find any evidence of the fact that before imposing the punishment the applicant had been given an opportunity to show cause as to why he should not be punished". They have also stated in the R.A. that as per rule 16(12)(c) of Delhi Police (Punishment & Appeal) Rules, no opportunity is to be afforded to the applicant if the disciplinary authority is of the opinion that a major punishment is to be imposed and such a notice is not mandatory under the rules. We are afraid, this contention does not help the review applicants as we have held the case to be one of 'no evidence' after making detailed discussion in paras Nos. 8 to 11 of the judgement.

4. On going through the contents of the RA we find that all the points raised can more appropriately be taken in an appeal. As a matter of fact the contents of the RA clearly indicate an attempt on the part of the

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review applicants to find fault with the manner in which the matter was dealt with by the Tribunal. The review applicants have sought to make it out that something was done by the Tribunal behind the back of the review applicants and their counsel. Such contentions cannot be entertained in a review application.

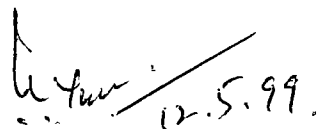
5. It is also evident that the RA is hopelessly barred by time as the judgement in the OA was delivered on 17.12.1998 and the RA has been filed only on 1.3.1999. Even on merits, this RA would not lie, for the simple reason that no error apparent on the face of the record has been disclosed in the RA nor has it been shown that some evidence which was not available at the time of the passing of the judgement order has been discovered later.

6. For the foregoing reasons the RA is hereby dismissed, by circulation.



(S.P. Biswas)
Member (A)

naresh



(T.N. Bhat)
Member (J)