

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

Review Application No. 111 of 1998
(in O.A. No. 1639 of 1997)

New Delhi, this the 11th day of August, 1998

Sh. Naut Ram

-APPLICANT

Versus

Govt. of N.C.T. of Delhi & Anr

-RESPONDENTS

O R D E R (in circulation)

This review application was filed on 5.6.1998 for reviewing the order dated 2.4.1998 passed in O.A. 1639 of 1997. A Miscellaneous Application has been filed by the applicant for condonation of delay on the ground that his advocate "misplaced the judgment and it also slipped from his mind". In Rafiq and another Vs. Munshilal and another, AIR 1981 SC 1400, their Lordships clearly laid down the law that once a party engages a counsel as his agent, it is for the counsel to take charge as his agent of the entire case and the applicant is not required to function as a watch dog of his interests. As the review application has been filed after the prescribed period this cannot be admitted for consideration. The Hon'ble Supreme Court in the case of K. Ajit Babu and others Vs. Union of India and others, JT 1997 (7) SC 24 has held that the right of review is available if such an application is filed within the period of limitation.

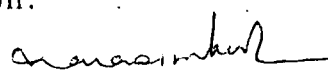
2. Even on merits I find that there is no mistake apparent on the face of record and the claims made out are merely arguments on merits which do not entitle the applicant for a review. The applicant

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states that he is governed by SO 3/91 and not by SR 317. In the order dated 2.4.1998 in OA 1639/97 the Tribunal has considered both the provisions. In the case of K.Ajit Babu(supra) their Lordships have also held that "the right of review is not a right of appeal where all questions decided are open to challenge. The right of review is possible only on limited grounds mentioned in Order 47 of the Code of Civil Procedure. Otherwise there being no limitation on the power of review it would be an appeal and there would be no certainty of finality of a decision". This review application amounts to only rearguing what has been stated in the O.A. In the case of Meera Bhanja (Smt.) Vs. Nirmala Kumari Choudhury, (1995)1 SCC 170 their Lordships have held that the review must be confined to error apparent on the face of record.

3. In the result, this review application is dismissed at the circulation stage itself both on merits as well as on ground of limitation.


(N. Sahu)
Member(Admnv)

rkv.