

CAT/7/12

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI**

R.A.No. 303/93

DATE OF DECISION 28.9.93

in
O.A.No. 1053/93

SHRI NATHI LAL BHARTI, Petitioner

SHRI H.P. CHAKRAVORTY, Advocate for the Petitioner(s)

Versus

UNION OF INDIA THROUGH THE
SECRETARY, MINISTRY OF RAILWAYS
RAILWAY BOARD, NEW DELHI &
OTHERS

Respondent

Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. I.K. Rasgotra, Member (A)

The Hon'ble Mr. B.S. Hegde, Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

ORDER


The applicant has filed Review Application seeking review of the judgement dated 30th July, 1993 in O.A. No. 1053/93. The case of the applicant is that he has done extremely well in the examination and should have obtained 70 per cent to 80 per cent marks in the written examination.

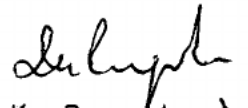
However, there is nothing to prove on record that he has obtained more than 70 per cent marks. This is only presumptive in nature. As rightly pointed out in our judgement that this is an issue for which the best judge is the executive authority who evaluates on competitive basis the answer books of all those who are eligible for the open competition test.

2. The applicant is fully aware that the scope of the review application is very limited and review application is maintainable only if there is an error apparent on the face of the record or some new evidence has come to notice which was not available even after exercise of due diligence or for any other sufficient reason. The review application cannot be utilised for re-arguing the case.

3. A perusal of the review petition makes it clear that none of the ingredients, referred to above, have been made out to warrant a review. The applicant now contends that he got 69 per cent marks out of 100 in the written test. If that is so, it is a matter to be taken with the competent authority for their consideration and ^{not} for the Tribunal to review the judgement ^{already} rendered.

4. In view of the facts and circumstances of the case, we do not see any merit in the Review Application and the same is rejected in circulation.


(B.S. Hegde)
Member (J)


(I.K. Rasgotra)
Member (A)