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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI.

10642 (N)
R.A. No. 170/91 in
O.A. 883/86

Date of decision:

Sh.P.C.Gularia

Applicant.

Versus

Union of India & ors.

Respondents.

O R D E R

(Delivered by Hon'ble Sh.I.P.Gupta, Member(A)).

In this Review Application the applicant has mentioned that his case was ordered for early hearing on 13.3.90 and was ordered to be heard on 30th April 1990 by the order of the Chairman. The case was listed for regular hearing but it could not come up for hearing for more than one year inspite of its listing on the cause list for hearing matters. The O.A. came up for actual hearing on 31st July, 1991 against item NO.5. The applicant could not appear nor his learned counsel could appear. An M.P. was filed for restoration alongwith affidavit on 21.8.91, but the same was returned on 28.8.91 with the remarks that the case was dismissed on merits on 31.7.91 vide judgement delivered.

2. The applicant has moved this review petition on the following grounds:

i) No chance was given to the counsel for the applicant for hearing him, as per requirement of law. The Tribunal has not mentioned in the judgement that the counsel for the applicant was not present for arguments at the time of hearing nor the advocate for the respondents was present. The principle of natural justice has thus been violated.

ii) Nowhere any law point has been mentioned as to why this was dismissed.

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- iii) The pleadings of the applicant were not examined minutely and his pleadings were wrongly concluded. The voluntary retirement of the applicant was never sought by him and the papers were forged, Since the applicant's signatures were obtained on blank papers and were used on his behalf for taking voluntary retirement benefits. The Tribunal failed to appreciate that the applicant was suffering from ailment when he was poisoned by his colleagues during the course of his employment and some medical certificates were produced which were on record. The Tribunal has appreciated that the applicant had undergone some psychiatric treatment and this was enough for the Tribunal to conclude that it was a good case for interference.
- iv) The Tribunal discriminated between the Security Organization and other civilian Officers. Had there been some office of civilian nature the Tribunal would have given a different findings.
- v) The pleadings were not properly interpreted. The applicant never disobeyed the order of the authorities and was not in a position to get himself examined medically with the doctor of Ram Manohar Lohia Hospital.
- vi) Poverty of the applicant was never taken into consideration. The Tribunal left the matter to the Government to consider what help they can render. The mandatory orders should be passed to provide financial help to the extent of Rs. 80,000/-

3. According to Section 17 of the Administrative Tribunals Act, 1985, a review petition can be disposed of by circulation where the Bench may either dismiss the petition or direct notice to be issued to the opposite party.

4. In the absence of any specific provision in the Administrative Tribunals Act, 1985 regarding grounds for review and drawn^{up} uponⁱⁿ the spirit and letter, and^{the} the provisions of review in the C.P.C., it may be mentioned that the provisions relating to power of review constitute an exception to the general rule that once a judgement is signed and pronounced it cannot afterwards be altered or added to and hence, right of review is exercised only where the considerations are distinctly covered by the statutory exceptions.

5. A party may apply for a review on three grounds:-


- i) On the ground of discovery of new and important matter or evidence.
- ii) Mistake or error apparent on the face of the record.
- iii) For any other sufficient reason.

6. In this review petition neither any discovery of new and important matter or evidence nor any mistake or error apparent on the face of the record has been pointed out. If a case can be decided on facts alone then there is no need to mention any law point, as contended in the review petition. We do not also find any mistake or error apparent in the judgement, on the face of the record. The review can also be done for any other sufficient reason. The point is whether the absence of the learned counsel for the applicant is sufficient reason. As

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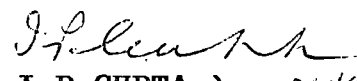
pointed out in the review petition itself the case is old and was ordered for early hearing. Several dates for hearing ^{was} given. When the application was duly listed for hearing on 31st July, 1991 against item No.5, it was the duty of the applicant's counsel to appear. His non-appearance, for no good reason, cannot be treated as a sufficient reason. Nevertheless the case was not dismissed in default but on merits, and on the basis of the pleadings on the file, which were complete, the case was disposed of. The mention of Security Organization in which the applicant was working was no doubt there but the conclusions were not drawn on the ground of his working in the Security Organization. We do not also find that any mistake of fact was made in the judgement. The poverty of the applicant was not a matter that we could have brought ⁱⁿ to justify or not to justify the legality of ~~the acceptance~~, the acceptance of notice of retirement. Nevertheless it was on the ground of compassion that a sentence was added to the judgement that the Government may decide what help they can render to the applicant. The monetary financial help of Rs.80,000 was neither sought nor can appropriately ~~can~~ ^{directed} be ~~given~~ ^h by this Tribunal ^{for being provided} ~~for being provided~~ ^{me}

7. In the circumstances and in the above view of the matter, the review petition is dismissed.

I agree


For consideration

Honble Shri Justice U.C. Srivastava


(I.P.GUPTA) 13/11/91
MEMBER(A)