

(12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI  
\* \* \*

Date of Decision : 11-12-1992

RA 345/92 in OA 1040/86

SMT. KAMLESH DUA

Vs.

UNION OF INDIA & ORS.

ORDER

This Review Application is against the judgement dated 24.9.92 dismissing the OA and rejecting the prayer of quashing of the notice of the termination of service of the applicant dated 22.8.86 issued under Rule 7(i) of the CCS (TS) Rules, 1965.

This Review Application is barred by limitation also by five days and an MP 3477/92 has been filed for condoning the delay. For the reasons stated in the application, the delay is condoned and the MP is allowed.

The only ground taken for review of the judgement is that the provisions of Article 309 and any rules made under those provisions cannot override the constitutional safeguards provided under Article 311. These points have been discussed in the judgement in para 5. It is argued by the learned counsel that the interpretation given by the Tribunal to those provisions is not correct. The applicant cannot reopen the whole case for fresh arguments, which has already been considered.

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As provided by Section 22(3)(f) of the Act, the Tribunal possesses the same powers of review as are vested in a Civil Court while trying a civil suit. As per the provisions of Order XLVII, Rule 1 of the Code of Civil Procedure, a decision/judgment/order can be reviewed :

- (i) if it suffers from an error apparent on the face of the record; or
- (ii) is liable to be reviewed on account of discovery of any new material or evidence which was not within the knowledge of the party or could not be produced by him at the time the judgment was made, despite due diligence; or
- (iii) for any other sufficient reason construed to mean "analogous reason".

The analogous reason has to be taken ejusdem generis with (i) and (ii), stated above:

The ground taken by the applicant is not covered under any of the above clauses.

The Review Application is, therefore, devoid of merit and is dismissed.

*J. P. Sharma*  
(J.P. SHARMA) 11.12.92  
MEMBER (J)

*P. C. Jain*  
(P.C. JAIN) 11/12/92  
MEMBER (A)