

15

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No.
T.A. No.

RA No. 6/88
198
M 21/82

DATE OF DECISION 21.1.1989

P. S. Vardhman P Petitioner

Umesh Mishra Advocate for the Petitioner(s)

Versus

S. C. M/o Communication Respondent's
and another

M. L. Verma Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr.

S. P. Mukherji Vice Chairman

The Hon'ble Mr.

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 ?

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

DATED MONDAY THE SECOND DAY OF JANUARY, ONE THOUSAND
NINE HUNDRED AND EIGHTY NINE

PRESENT

Hon'ble Shri S.P. Mukerji - Vice Chairman

REVIEW APPLICATION No. 6/88
(O.A. 217/87)

Shri P.S. Vardhney

.. Review applicant

Versus

1. Union of India,
service to be effected through
Secretary, Ministry of Communications,
Government of India, New Delhi.

2. The Director General (Telecom),
CWG Section, Sanchar Bhavan,
New Delhi-110001. .. Respondents

Counsel for the applicant .. Shri Umesh Mishra
(not present)

Counsel for the respondents .. Shri ML Verma

O R D E R

S.P. Mukerji, Vice Chairman

In this Review Application, the review applicant has sought reconsideration of my judgment dated 10.11.1987 in O.A. 217/87 on the ground that at the time of argument he could not make the following submissions:

- (i) That the applicant worked under the concerned reporting officer and reviewing officer for a period of 17.6.1981 to 14.10.1982. He was not under them w.e.f. 1.4.1981 to 16.6.1981. The C.R. for approximately 2 and a half years was written by another reporting officer and reviewing officer as there was no adverse remarks as nothing was communicated to the applicant.
- (ii) That the adverse remarks were not communicated within one month under the rules relating to period 1.4.1982 to 14.10.1982.
- (iii) Efficiency bar was to be crossed on 1.11.84. On that date there was no decision of representation against the applicant.

2. Neither the applicant nor his counsel is present today. The case was fixed for 28.11.88 for hearing in the presence of the learned counsel for both the parties on 21.10.1988. Shri ML Verma, the learned counsel for the respondent is present. I have heard his arguments and gone through the documents carefully.

3. It is established law that a review as contemplated in the Civil Procedure Code, which has been adopted for the purpose of review of orders passed under the Administrative Tribunals Act that a review is basically distinct from an appeal. Review is permitted only on limited grounds of error apparent on the face of the record or discovery of new facts which could not with due diligence be within the knowledge of the applicant when the original judgment was passed or for any other sufficient reasons. It is also established that a review cannot be undertaken by challenging the view adopted in the judgment. In the instant application before me, the review applicant has not brought out any new fact which ^{could not be} ~~was~~ within the reach of his knowledge after due diligence ^{after the} ~~before~~ the judgment was delivered. He has simply tried to reconstruct and supplement his arguments after the

judgment was delivered. He has not pointed out any error apparent on the face of record or any other sufficient cause for me to take the serious steps ^{of} ~~for~~ reviewing the final order passed by me on 10.11.1987.

4. In the circumstances, I see no merit in the Review Application and reject the same. There will be no order as to costs.

S.P. Mukerji
(S.P. Mukerji)
Vice Chairman
2.1.1989

Sn.