

Central Administrative Tribunal  
Principal Bench: New Delhi.

Regn.No.RA-28/90  
in OA-1476/87

Date of Decision 9-4-1990

Smt.Anita Sahni

... Applicant.

Vs.

Union of India & Ors

... Respondents.

CORAM: Hon'ble Mr. Justice Amitav Banerji, Chairman.  
Hon'ble Mr. P.S.Habib Mohamed, Member(Admn.)

ORDER

This is a Review application filed by the petitioner, Smt.Anita Sahni against the order passed by the Tribunal in OA No.1476/87, disposed of on 27.7.1989.

2. A review application is maintainable and could be allowed if it comes within the ingredients laid down under Order 47 Rule 1 of the C.P.C. (on the ground of new and important matter, evidenced which after exercise of due diligence, was not within the knowledge of the party or could not be produced by him at the time when the decree was passed of the order made or (ii) on account of some mistake or error apparent on the face of record; (iii) or any other sufficient reason.

3. The grounds stated by the applicant in her review application are (i) that the Tribunal has given different rulings on the same issue in different ways at different times, and that the Gujarat High Court in Fernades Vs. Central Board of Direct Taxes, had followed a line of reasoning which was adopted by the Madras Bench of the Tribunal in K.N.Gupta Vs. Union of India. The Ahmedabad Bench of the Tribunal in OA-499/86 had also followed a line of reasoning similar to the ruling in K.N.Gupta's case(supre). It is also stated that the departmental instructions in the writing of A.C.Rs. had not been followed in the case of the applicant.

4. A perusal of our order in the present application OA-1476/87, will clearly show that the Gujarat High Court judgement referred to in the review petition had been noted and discussed. The decision of the Madras Bench of the Tribunal wherein the decision of the Gujarat High Court was followed,

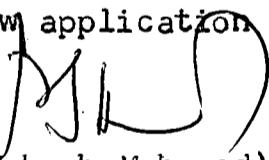
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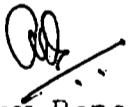
has also been referred to and discussed in the judgement of these cases, have been clearly distinguished from the one in which orders were passed by us in OA-1476/87. The judgement also shows that:

"Suffice to say that her learned counsel very properly submitted her case for the examination of the ACRs by the Bench and passing of appropriate orders. We say, it was proper on the part of her counsel, for a perusal of the OA shows that it was based on certain assumptions and conjectures as to what entries she had earned in the ACRs. Her assumption that she had received entries like 'outstanding' were not actually based on personal knowledge, for the entries in the ACRs are not conveyed to employees unless there is something adverse communicated to them."

5. It is, therefore, very clear that the counsel had submitted the case of the applicant for the examination of the ACRs by the Bench and passing an appropriate order. In the circumstances, we do not find any error apparent on the face of record or any other sufficient reason which makes it necessary that our order should be reviewed.

6. A perusal of the review application clearly shows that the applicant is pressing for a rehearing of the case and that also on matters which have been referred to and discussed by the Tribunal. There is no scope either for re-examination or for rehearing of the case which in any case would not be permitted in the case of a review application. The review application is hereby rejected.

  
( P.S. Habeeb Mohamed )  
Member (Admn.)

  
( Amitav Banerji )  
Chairman  
OA/90