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In the Central Administrative Tribunal
Principal Bench: New Delhi

RA No.42/93 in
OA No.1214/87

Date of Order: 16.02.1993.

Shri K.C. Kapoor

...Petitioner

Versus

Union of India & Others

...Respondents

Coram:-

The Hon'ble Mr. Justice V.S. Malimath, Chairman
The Hon'ble Mr. I.K. Rasgotra, Member (A)

O R D E R

The petitioner Shri K.C. Kapoor has filed this R.A. through Shri O.P. Girotra, Advocate on 2.2.1993. He has submitted that due to the circumstances beyond his control primarily relating to the family problems he could not be present himself in the Court when the case was heard on 1.1.1993. He has, therefore, prayed for review of our judgement rendered on 1.1.1993 in his absence in OA-1214/87. He further submits that had he been present in the Court he would have been able to persuade the Bench to accept his plea for counting his service rendered in Delhi Transport Corporation from 7.5.1953 to 19.11.1963 and in Oil and Natural Gas Commission from 16.11.1963 to 23.7.1964.

2. The petitioner's case was principally based on the Ministry of Finance (Department of Expenditure) OM No.F.3(15)EV(A)/76 dated 3.12.1977. Since it was an old matter we considered it proper to dispose of the matter on merits. In the operative part of the judgement it was observed that the petitioner:-

"relies on the order of the Government bearing No.O.M. No.F.3(15)EV(A) dated 3.12.1987; copy of the same has been produced by the petitioner along with his Original Application. A bare perusal of the same makes it clear that it is applicable only to those who had served in autonomous Govt. undertakings who were later on absorbed

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in Central Government service. It has no application to a situation like this where there is no transfer of the autonomous undertaking. The service rendered by the petitioner under the Delhi Transport Corporation and the Oil and Natural Gas Commission cannot on the plain language of the order of the Government, referred to above, apply to the facts of this case. As the entire claim of the petitioner is based on the order referred to above and as we have found that this is not applicable to the petitioner's case, this petition has to fail."


3. It was in the above circumstances that the petitioner's case was disallowed. Once the case has been decided on merits, the petitioner cannot reargue the case. In **Chandra Kanta and another v. Sheik Habib** - AIR 1975 SC 1500 the Hon'ble Supreme Court has held:-

"Once an order has been passed by the Court, a review thereof must be subject to the rules of the game and cannot be lightly entertained. A review of a judgement is a serious step and a resort to it is proper only where a glaring omission or patent mistake or grave error has crept in earlier by judicial fallibility. A mere repetition through a different counsel, of the old and overruled arguments, a second trip over ineffectually covered ground or minor mistakes of inconsequential import, are obviously insufficient."

4. The case of the petitioner also does not fall under any of the provisions made under Order XLVIII of Code of Civil Procedure initiating review of the judgement. The document now filed with the R.A. justifying the review/recall of our earlier order is also irrelevant as the date of effect of the scheme introduced in the Delhi Transport Corporation vide order dated 27.11.1992 comes into effect only from 3.8.1981 and is applicable to those employees who retired w.e.f. 3.8.1981 onwards. The petitioner had left the Delhi Transport Corporation as early as in November, 1963.

This document, therefore, is neither any help nor relevant in this case.

5. In the above circumstances, the R.A. is rejected by circulation.


(I.K. RASGOTRA)
MEMBER(A)



(V.S. MALIMATH)
CHAIRMAN

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