

In the Central Administrative Tribunal 21
Principal Bench: New Delhi

RA No.48/93 in
OA 994/87

Date of Order: 23.03.1993.

Shri Subhash Chander Kapil

...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 above R.A. has been filed by the petitioner Shri Subhash Chander Kapil on 8.1.1993 praying for review of our judgement in OA-994/87 rendered on 2.12.1992. The principal ground adduced by the petitioner justifying review of the judgement is that the Tribunal has erred in coming to the conclusion that "the finding recorded on Charge IV being a finding of fact the petitioner cannot ask us to re-appreciate the evidence and substitute our own finding. The finding is based on evidence and cannot be characterised as perverse." The petitioner has further contested the conclusion of the Tribunal in regard to the application sent by him under postal certificate to the office of his parent department in Bangalore. The interpretation given to paragraph-'m' of the counter-affidavit by the Tribunal is also not to his liking.

2. The settled law is that a judgement once signed and pronounced, cannot be altered or added to unless the grounds adduced are covered by the statutory exceptions provided in Order XLVII of Code of Civil Procedure. The grounds adduced by the petitioner are not covered by any of the statutory exceptions. In fact the petitioner herein

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is trying to reargue the matter by invoking the provision for review. The Hon'ble Supreme Court in **Chandra Kanta and another v. Sheik Habib AIR 1975 SC 1500** 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."

3. In view of the above, the R.A. is rejected in circulation.


(I.K. RASGOTRA)
MEMBER(A)


(V.S. MALIMATH)
CHAIRMAN