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In the Central Administrative Tribunal
Principal Bench: New Delhi

RA No.66/93 in
OA No.1403/87

Date of Order: 23.03.1993.

Shri D.B. Jain

...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 D.B. Jain has filed this R.A. on 19.2.1993, seeking review of our judgement in OA-1403/87 rendered on 1.2.1993. The principal contention of the petitioner in the O.A. was that the DPC proceedings dated 28.4.1984 were vitiated by the bias of the DPC as it failed to assess him in an objective manner. We had proceeded to decide the case of the petitioner on merit after perusing the records, as the petitioner, even though called for the second time did not enter appearance. The petitioner submits that he had mentioned his case in the Court on 8.2.1993 and prayed for re-hearing of the matter when the Court had directed him to file a review petition in accordance with law. In the review petition now filed he is traversing the same grounds which were covered in the O.A. viz. the bias of the D.G., D.G. S&D Shri R.K. Singhal and his influencing the Member of the U.P.S.C, as the son-in-law of the Member of the UPSC was working in the DGS&D. Further, the bias against the petitioner is sought to be substantiated on the plea that he was a Member of the Committee which investigated a case of sub-standard supply against the brother of DGS&D. The last ground had been effectively met by the respondents in their reply contained in paragraph 2 (page 6). A clear averment

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had been made by the respondents that the petitioner was not the only person who was directed to conduct the test check of still folding cots. In fact the petitioner was one of the three officers, the other two being Shri T.C. Goel, former Vigilance Officer of DG S&D and Shri Y.L. Rao, Assistant Commandant ITBP. It has been further averred that the finding of the test check was "that the inspection of the stores had been correctly done by the Examiner of Stores." In regard to the other evidence of bias agitated by the petitioner in the O.A. and in the R.A. that the Member of the UPSC was influenced by the D.G., as the said members' son-in-law was working in the DG S&D is also not relevant, as the son-in-law was not in the zone of consideration. There is no new documentary evidence which was not available to the petitioner after exercise of due diligence which has been brought on record, justifying review of the judgement/rehearing of the O.A. nor is there any error apparent on the face of record. We do not also find any 'sufficient reason' for reviewing the judgement. The Hon'ble Supreme Court in **Chandra Kanta and another vs. 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."

The R.A. is accordingly rejected.


(I.K. RASGOTRA)
MEMBER(A)


(V.S. MALIMATH)
CHAIRMAN