

21
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

R.A. 139/92 in O.A. 1695/1987

Date of decision: 4.9.92 (4.9.92)

Omprakash Jain vs. Union of India & others.

Judgement in O.A. 1695/87 was decided on 20.9.91 by a Bench consisting of myself (Justice Ram Pal Singh) and Hon'ble Sh.R.Venkatesan, Member(A). The judgement was prepared by me. The Review Application has been filed by Sh.Inderjit Sharma, counsel for the respondents.

2. The hearing of the O.A. was listed for 19.9.91. Sh.Inderjit Sharma, learned counsel for the respondents was not available in the building when the case was taken. It is recorded in the order sheet dated 19.9.91. However, the Bench directed that Sh.Sharma may file written submissions, if he so desires. Sh.Inderjit Sharma filed his written arguments on the same day. Judgement was delivered on 20.9.92. It is an unhealthy practice for a Government counsel to remain absent at the time of the hearing of old cases and then file the Review Application for exhibiting their anxiety for their clients. However, we have considered the grounds raised in this Review Application. The Review Application appears to be a prayer for re-hearing and for modifying the judgement in the O.A. according to their submissions. The scope of a Review Application is very limited. A judgement can be reviewed on the ground of discovery of new and important matters or evidence which, after exercise of due diligence was not within the knowledge of the

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22

party or could not be produced by him at the time when the order was passed. The judgement can also be reviewed if some mistake or error apparent on the face of the record is available. The learned counsel for the respondents should have attended the final arguments and should have made his submissions on behalf of the respondents. Neither any evidence have been discovered by the respondents nor any mistake or error on the face of the record has been shown in the Review Application. Reconsideration of a judgement is not within the scope of Review Application because the provisions relating to power of review constitutes an exception to the general rule. When once a judgement is signed and pronounced, it cannot, afterwards be altered or added to. The review jurisdiction totally ousts the re-hearing of the matter or re-opening it after the judgement is signed and pronounced. After the judgement is pronounced it is so easy for a party who has lost his case to see what the weak part of his case was and the temptation to try and procure evidence which will strengthen that weak part and put a different complexion upon that part of the case. Such intentions on the part of the unsuccessful party cannot be made the ground for review. We are, therefore, of the view that as prayed for in the Review Application, the case cannot be reopened for the convenience of the party who has lost the case. The Review Application is bereft of any merit, hence, it is dismissed without notice.


(R. VENKATESAN)
MEMBER (A)


16.4.592
(RAM PAL SINGH)
VICE CHAIRMAN (J)


