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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

RA No.158/93 in
OA 164/87

Date of Order: 5-7-93

Shri Husan Singh

...Petitioner

Versus

Commissioner of Police & Anr.

...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

This R.A. has been filed by the petitioner praying for review of our judgement rendered in OA-164/87 decided on 4.8.1992. The principal ground adduced is that the petitioner was allowed by the Tribunal vide its order dated 24.11.1986 passed in RA-29/86 in OA-491/86 to agitate the matter afresh "if he is aggrieved by this order or if he acquires a fresh cause of action thereunder, nothing said herein or in the application already dismissed would stand in his way of filing a fresh petition. So far as this Review petition is concerned, we find no merit. It is accordingly dismissed."

In OA-491/86 the petitioner had prayed for the following reliefs:-

- i) that the respondents be issued directions to give the accrued benefits of antedate seniority to the applicant/petitioner in the rank of A.S.I. also w.e.f. 5/79 on the ground of acceptance of his representation of the antedate seniority which was legally given to him in the rank of Head Constable.
 - ii) Further promotions/orders be issued to the respondents to give all the consequential benefits including financial benefits in the rank of A.S.I w.e.f. 5/79.
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In the O.A. which was dismissed by us vide order dated 4.8.1992 and which is the subject matter of the review, the petitioner has prayed for identical reliefs. We, therefore, do not see any merit in the argument that the petitioner has got fresh cause of action. Thus, in effect the petitioner is trying to reargue the case for obtaining the reliefs which he had prayed for in OA-491/86 on the ground that the confirmation order dated 5.3.1986 has given a fresh cause of action. The O.A. 491/86 was dismissed for want of jurisdiction as the grievance in the case of the petitioner had arisen in 1980 well in advance of the period of three years before the Tribunal was established. Having considered the pleadings of OA-491/86 and OA-164/87, we do not see any merit in the argument of the petitioner as put-forth in the R.A. The scope of the R.A. lies in a very narrow compass. The judgement once rendered can be reviewed only on the statutory exceptions viz.:

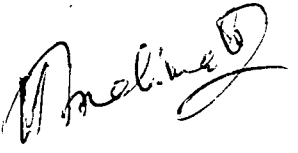
- i) if there is an error apparent on the face of record;
- ii) discovery of new/fresh document/evidence which was not available to the petitioner even after exercise of due diligence; and
- iii) for any other sufficient reason.

The grounds adduced in the R.A. are not covered by any of the above statutory exceptions provided in Order XLVII of Code of Civil Procedure, as reproduced above. The fact that the Tribunal had allowed him to agitate the matter afresh if he acquires fresh cause of action vide order dated 24.11.1986 does not make his petition maintainable as in effect he is agitating the same issues again.

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In our view the petition is neither maintainable on the basis of the order of the Tribunal dated 24.11.1986 nor is it covered by the statutory provisions for review our judgement, as adverted to above. the R.A. is accordingly rejected in circulation.


(I.K. RASGOTRA)
MEMBER(A)


(V.S. MALIMATH)
CHAIRMAN

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