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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

R.A. 333/92

D.A. 411/87

Date: 17.9.93

B.K. Pandey

Applicant

Vs.

Union of India

Respondents.

Hon'ble Mr. I.K. Rasgotra, Member (A)

Hon'ble Mr. J.P. Sharma, Member (J)

JUDGMENT (BY CIRCULATION)

(Hon'ble Mr. J.P. Sharma, Member (J)

The review applicant has filed review against the judgment dated 2nd September, 1992 by which the D.A. was dismissed as devoid of merit.

2. The applicant was promoted from the post of Jr. Engineer, All India Radio to Assistant Engineer w.e.f. 11.3.1985. He was subsequently reverted by the order dated 20th February 1986 with immediate effect. He prayed for quashing of this order of reversion and also that the adverse remarks for 1985-86 be

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expunged from his ACR.

3. The grounds taken in the review application is, that the averment of the applicant that the ACR for the year 1985-86 were based on caprice and malice, was not considered in the judgment. However, this matter has been fully discussed in the first para at page 4 of the judgment. The applicant cannot re-open the case by placing fresh arguments when the issue has already been discussed with reasons and the arguments advanced have been fully met with in para 3 of the judgment.

4. As regards the reversion of the applicant by the impugned order, the contention of the applicant is that the D.P.C. considered his adverse ACRs on 24.10.86 when his representation against the said adverse remarks was rejected only in May 1987. This argument has been fully met with that the applicant has never challenged the proceedings of the DPC and that is beyond the issue raised in the application itself. There is no error on the face of the judgment to make out a case for review.

5. The application has referred to certain authorities in the review application. The case cannot be re-opened for fresh arguments. Cases are decided on the basis of pleadings and arguments advanced at the time of hearing. The applicant was

duly represented by Shri T.C. Aggarwal, Advocate and sufficient opportunities were given \* for arguments. A review lies only on the grounds mentioned in the order 47, CPC. It is not a case of any fresh evidence which the applicant wants to be considered, as it was not in his knowledge when the case was heard. The applicant wants to refer to certain authorities to substantiate certain facts. That too is not germane to the main issue.

The review application is therefore devoid of merit and is dismissed by circulation.

*J. P. Sharma*  
( J.P. Sharma )

Member (C)

*I. K. Rasgotra*  
( I.K. Rasgotra )  
Member (A)

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