

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

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29.05.92

RA 198/92 in OA 1522/88

Shri Om Prakash Vs. Delhi Administration, Delhi & Others

O R D E R
(BY CIRCULATION)

The applicant has preferred this RA under Section 22(3)(f) of the Administrative Tribunals Act, 1985 for the review of the judgement dated 27.3.1992.

2. As provided by Section 23(3)(f) of the Act, the Tribunal possesses the same powers of review as are vested in a Civil Court while trying a civil suit. As per the provisions of Order XLVII, Rule 1 of the Code of Civil Procedure, a decision/judgement/order can be reviewed :

- (i) if it suffers from an error apparent on the face of the record; or
- (ii) is liable to be reviewed on account of discovery of any new material or evidence which was not within the knowledge of the party or could not be produced by him at the time the judgement was made despite due diligence; or
- (iii) for any other sufficient reason construed to mean "analogous reason".

3. The petitioner, in the grounds taken for Review of the judgement has not stated any error or mistake apparent on the face of the judgement. The grounds taken are nothing, but a set of arguments to justify the contention that the appointment of the petitioner as Horticulture Assistant was regular and has been illegally terminated

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without any show cause notice. This particular issue has been discussed in the judgement quite in detail, meeting the various arguments advanced on behalf of the petitioner at the time of hearing of the Original Application. The petitioner cannot be allowed to reopen the case for fresh hearing. Para-6 of the judgement negatives all the fresh averments made in the Review petition and the applicant did not possess even the minimum qualification required for the post of Horticulture Assistant as per the Recruitment Rules.

4. The Review Application is, therefore, devoid of merit and is dismissed by circulation.

J. P. Sharma
(J.P. SHARMA) 29.5.92
MEMBER (J)

P. C. Jain
(P.C. JAIN) 29/5/92
MEMBER (A)

AKS