

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH : NEW DELHI

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RA. 904 of 1994  
in  
DA.1012 of 1988

Dated New Delhi, this the 6th day of June, 1994

Hon'ble Shri C. J. Roy, Member(J)  
Hon'ble Shri B. K. Singh, Member(A)

1. Union of India through  
Secretary to the Government of India  
Ministry of Urban Development  
Nirman Bhawan  
NEW DELHI

2. Director General Works  
Central Public Works Department  
Nirman Bhawan  
NEW DELHI

By Advocate: Shri B. Lall

... Review  
Applicants

Versus

Shri Gurmej Singh  
S/o Shri Sunder Singh  
R/o J-11/116  
Rajouri Garden  
DELHI-2

... Respondent

O R D E R  
(By Circulation)

Shri B. K. Singh, M(A)

This Review Application has been filed under  
Rule 17 of the Administrative Tribunal Rules, 1987.

2. The Tribunal does not have any inherent power  
of review. It exercises the power of review under  
Order 47 Rule 1 read with Section 114 of CPC. The  
review lies when:

- (i) there is discovery of new and important  
fact or evidence, which after the  
exercise of due diligence, was not within  
the knowledge of the applicant or the  
respondents could not be produced at  
the time when the order was made; or
- (ii) on account of some mistake or error apparent  
on the face of the record; or

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(21)


- (iii) for any other sufficient and substantial cause implying thereby that some injustice has been caused due to non-consideration of a particular ground which is being taken in the Review and without its consideration cause of justice can be defeated; or,
- (iv) The Review Application is entertainable when a third party which was a necessary party and was not impleaded as such and there was non-joinder of parties and the judgement affects the party in question adversely.

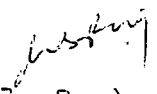
3. The Review Application is maintainable only if it falls within the four corners of Order 47 Rule(1) read with Sec 114 of CPC. Review may be sought for by a third party adversely affected by the decision which was a necessary party and was not impleaded when the case was heard. A review is not meant for removing the difficulties of the respondents in implementing a judgement and order as is the plea in the present case. A review cannot be permitted for fresh hearing of arguments or for removal of difficulties faced by the respondents in implementation of the judgement. The Respondents(in OA) who have sought review against the order and judgement dated 23.11.93, have only pointed out their problems and difficulties and not any factual or legal error in the order and judgement.

4. In addition to what has been stated above, there has been an inordinate delay of 94 days in filing this RA, when the RA has to be filed within 30 days of the receipt of the order. The inter-departmental consultations cannot be

99

taken as a ground for condonation of delay and as such RA is rejected on grounds of delay and also on grounds of merits. The judgement of a court has to go by the facts of a particular case and the rules and regulations which are applied to those facts in order to arrive at a correct finding. Cold logic of law should be the guiding factor in passing a judgement and there is hardly any scope for looking into the difficulties of rival parties. The Hon'ble Supreme Court have held that normally the courts should not unsettle things which have been settled for decades. It is not so in this case and the balance of convenience lies not in favour of the respondents but in favour of the applicant whatever be the problems and difficulties faced by the respondents. The demand of justice and equity is more important for courts than any other consideration and accordingly we dismiss this Review Application by circulation.

  
(B. K. Singh)  
Member(A)

  
(C. J. Roy)  
Member(J)

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