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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

File No. 206/94

R.A. 206/94
M.A. 1622/94
O.A. 1763/88

NEW DELHI THIS THE 3rd DAY OF AUGUST, 1994.

HON'BLE SHRI J.P. SHARMA, MEMBER (J)
HON'BLE SHRI S.R. ADIGE, MEMBER (A)

Shri Jagdish Saran Sharma
S/o Shri Raghbir Saran Sharma, (Retired Head Sorter
(H.A.G.II) Saharanpur
R/o Mohalla Peergaib, Moradabad ...Applicant

By Advocate : Shri Sevi Kumar

VERSUS

1. The Union of India, through
The Secretary (Posts)
Ministry of Communication
Government of India, New Delhi.
2. The Superintendent R.M.S. SH
Dn. Saharanpur-2470001
3. The Director Postal Services,
Dehradun- 270001. ...Respondents

By Advocate : None

JUDGEMENT (ORAL)

HON'BLE SHRI J.P. SHARMA, MEMBER (J)

In R.A. 206/94 along with M.A. 1622/94, the review applicant has sought the review of the judgement dated 25th May, 1993 delivered by Hon'ble Shri I.K. Rasgotra since retired, of which one of us (J.P. SHARMA) was a party. The perusal of the judgement dated 25th May, 93 shows that neither Shri Jagdish Saran Sharma nor the counsel representing him, made themselves available at the time of hearing and, the Counsel Shri P.P. Khurana for the respondents was heard and Oral Judgement was delivered on the same day. By this Review Application 206/94 irrespective of the fact that it is filed much after the statutory period,

(16)

we have gone through the grounds taken in the Review Application at Page 2 in sub-para (a) to sub-para(f) of Para-5 and sub-para (a) to Pra (e) are nothing but the narration of facts regarding the disposal of the Original Application without hearing the Counsel for the applicant, by the judgement under review. In sub-para (f), there is a mention that the disciplinary proceedings against the applicant in May, 1987 which came in the way of promotion to the Grade HSG-II. In fact, in the original application, the applicant has not made any grievance relating to promotion to the post of HSG-II. The review application, cannot be filed to take a new ground and the grounds taken must analogically come under the purview of the order XLVII Rule (i) of CPC. This is not the case here.

2. There is no error apparent on the face of the judgement and there is discovery of no fresh evidence, which was not in ^{the} knowledge of the applicant at the time of hearing nor there is any other analogous ground.

3. Since the judgement under review was delivered without hearing the counsel for the applicant or the applicant, we rightly issued the notice to the parties. None appears for the respondents. However, we heard the learned counsel for the applicant and desired the counsel to highlight the points as he could have normally done as he being present, in the hearing of case, on 25th May, 93.

4. The learned counsel says that he was not the counsel at that time. However, he has also been given an opportunity but he could not assail any new point which could be taken into account to judge the finding

arrived at in the judgement under review.

5. We find no ground in the Review Application and the same is, therefore, dismissed both being belated and devoid of merit.

6. M.A.1622/94 is also disposed of accordingly.

Arfalgae
(S.R. ADIGE)

MEMBER (A)

J. P. Sharma
(J.P. SHARMA)

MEMBER (J)

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