

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

R.A. No. 263 of 1994 in  
O.A. No. 909 of 1988

This 22<sup>nd</sup> day of August, 1994

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

Hon'ble Mr. B.K. Singh, Member (A)

S.N. Pathak,  
Cleaning Jamadar, Loco Shed,  
Northern Railway, Saharanpur,  
R/o Railway Quarter No.3084/109 E  
Railway Loco Colony,  
Kashmere Gate,  
Delhi.

..... Applicant

By Advocate: Shri B.B. Rawal

VERSUS

Union of India, through:

1. The General Manager,  
Northern Railway,  
New Delhi.
2. The Divisional Railway Manager,  
Northern Railway,  
Ambala Cantt.,  
(Haryana)
3. The Divisional Mechanical Engineer,  
Northern Railway,  
Ambala.
4. The Divisional Mechanical Engineer (P),  
Northern Railway,  
Pahar Ganj,  
New Delhi.

..... Respondents

By Advocate: None

O R D E R (By Circulation)

(By Hon'ble Mr. B.K. Singh, M(A)

This Review Application has been filed against the order and judgment in O.A. No.909/1988 delivered on 9th May, 1994.

2. The aforesaid OA was directed against the charge-sheet dated 29.12.1986 issued by the respondent No.4 to the applicant.. The OA was also made against the order

Contd....2/-

of appointment of enquiry officer and the order of punishment dated 15.9.1987 as also the other order passed by the appellate authority dated 11.1.88.

3. The main grievance of the applicant was that he had filed a petition to the Railway Minister against the activities of Shri Prakash Lal, Divisional Mechanical Engineer (P) on 13.10.1986, but instead of taking any action against Shri Prakash Lal, the respondents chargesheeted him (applicant) and awarded him the punishment of removal from service on the basis of enquiry report. It is true that when the enquiry was going on, the said Shri Prakash Lal had retired and therefore he was not the person who had passed the order of punishment against the applicant. He filed an appeal which was rejected by the appellate authority vide order dated 11.1.1988.

4. In the order and judgment dated 9.5.1994 all the facts and legal aspects involved were thoroughly scrutinised and it is only after going through the pleadings on record and hearing the learned counsels for the parties that the OA was dismissed as devoid of any merit and substance.

5. A review application has to be filed within 30 days from the date of receipt of a certified copy of the order/judgment. As per the compliance report, the applicant received the copy of the judgment dated 9.5.94 on 24.5.1994 and this RA has been filed on 29.7.1994 i.e. after more than 2 months. He has also filed an application for condonation of delay. The explanation offered in the application for condonation of delay does not disclose any

substantial and reasonable cause for filing this belated RA and therefore there is hardly any scope for condonation of delay. Apart from this, this RA does not fall within the four corners of Order 47 Rule 1 of CPC read with Section 114 of the same Act. The Tribunal is not vested with any inherent power of review like the Hon'ble Supreme Court. The Tribunal exercises its inherent power to vary or correct an order before signing it, to correct an accidental slip or omission, to set aside an order or an order signed by inadvertence or failure of memory or to recall an order passed against a dead person or a non-existent company. Except in these circumstances, order 47 Rule 1 of CPC says that the Tribunal can review its decisions when it is shown by either of the parties that <sup>(i)</sup> they have discovered a new and important matter or evidence which in spite of the exercise of due diligence was not within the knowledge of the parties seeking the review or could not be produced by the applicant or the respondent, as the case may be, at the time when the order was made; (ii) on account of some mistake or error factual or legal on the face of the record, i.e. an error which stares one in the face without any effort to establish the same; and (iii) on account of some other substantial or reasonable cause analogous to what has been said under Section 114, Order 47 Rule 1, CPC. Review is also permitted by a third party which was a necessary party but was not impleaded as such in OA when the judgment and order were passed.

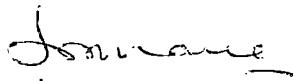
6. Order 47 Rule 4(1) lays down that if there is no sufficient ground for review the same shall be rejected.



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7. As stated above, apart from its being time-barred, this Review Application does not fall within the four corners of Order 47 Rule 1 or Section 114 of CPC and accordingly the same is rejected by circulation.

  
( B.K. Singh )  
Member (A)  
( J.P. Sharma )  
Member (J)

vpc