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CAT/7/12

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI**

RA No. 294/93
in

O.A. No. 464/1988

DATE OF DECISION

16.9.1993

Sh. P. K. Roy

Petitioner

Shri R. L. Sethi,

Advocate for the Petitioner(s)

Versus

U.O.I. and others

Respondent

Shri P. P. Khurana,

Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. B.S. Hegde, Member (J)

The Hon'ble Mr. N.K. Verma, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

ORDER

The applicant has filed his R.A. seeking Review of the judgement dated 22.7.1993. We have seen the R.A. and we are satisfied that the R.A. can be disposed of by circulation under Rule 17(iii) of the Central Administrative Tribunals (Procedure) Rules, 1987, and we propose to do so.

Under order 47 Rule of Civil Procedure Code

a decision/judgement/order can be reviewed only if :

- (1) it suffers from an error apparent on the face of the record;
- (2) new material or evidence is discovered which was not within the knowledge of the parties or could not be produced by that

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party at the time the judgement was made,
despite due diligence; or

(3) for any sufficient reason construed to mean
analogous reason.

The main thrust of argument in the R.A. is that the Tribunal has not given due weight to the decision laid down by Supreme Court in Direct Recruits Class-II Engineering Officers Association Vs. State of Maharashtra SLJ 1990(2) S.C.35. In order to regularise the adhoc appointment service, he has to fulfil certain preconditions (i) his adhoc appointment should be in accordance with the Rules, against the long term existing vacancy in which he can claim in his own right and also the ad hoc service should be uninterrupted.

In the instant case the criteria laid down in Supreme Court decision (Supra) is not applicable.

A perusal of the judgement dated 22.7.1993 and the Review Application make it clear that none of the ingredients referred to above, have been made out to warrant a review.

The scope of the review application is very limited and Review Application is maintainable only if there is an error apparent on the face of the record or some new evidence has come to notice which was not available even after exercise of due diligence or for any sufficient reason. The Review

(D) (B)

Application cannot be utilised for rearguing the case traversing the same ground in Chandra Kanta and another v. Sk. Habib [A. 1975 SC 1500] Wherein the Supreme Court held that once an order has been passed by the court, review thereof must be subject to the rules of the game and cannot be lightly entertained. Review of a judgement is a serious step and reluctant resort to it is proper only where a glaring omission or patent mistake or grave error has crept in earlier by judicial fallibility.

In view of the above facts and circumstances of the case, we do not see any merit in the Review Application for a review of the Original Judgement.

The grounds raised in the Review Application are more germane for an appeal against our judgement and not for a review. The Review Application is, therefore, dismissed.

N. K. Verma
(N. K. Verma) 20.9.1993
Member (A)

B. S. Hegde
(B. S. Hegde) 20/9/93
Member (J)