Central Administrative Tribunal
Principal Bench, New Delhi.

R. A. No.328/94 in
O. A. No.1263/88

New Delhi this the 27th Day of February, 1996.

Hon'ble Sh. B. K. Singh, Member(A)
Hon'ble Dr. A. Vedavalli, Member(J)

Sh. H. V. Ashoka Kumar,
S/o late Shri H. K. V. Iyer,
R/o C-4-E/225, Pocket-11,
Janakpuri, New Delhi.   Review Applicant

(through Sh. B. B. Raval, advocate)

versus

1.   Union of India
      through the Cabinet Secretary,
      Government of India,
      Rashtrapati Bhawan,
      New Delhi-110001.

2.   The Secretary,
      Research and Analysis Wing,
      Cabinet Secretariat,
      Room No.8-B, South Block,
      New Delhi-110011.   Respondents

(through Sh. J. Banerjee, proxy counsel for
Sh. Madhav Panikar, advocate)

O R D E R
delivered by Hon'ble Sh. B. K. Singh, Member(A)

This review application No.328/94 has been
filed against the judgement/order dated 9.8.1994 in
O. A. No.1263/88. It is a fact that when the original
judgement was made the learned counsel for the applicant
was not present. The respondents were present with the
records summoned by the Tribunal. The Tribunal did not
feel it necessary to peruse the records. It is a fact
that during the course of the perusal of the pleadings
on record, the Tribunal felt that the applicant had not

challenged the violation of any specific provision of the
rule as a result of which he was adversely affected and was
assigned seniority which was not correct. The prayer
in the relief clause was to the effect that the res-
pondents be directed to fix the seniority of the applicant
in the grade of Personal Assistant according to Rules
of 1975. Since no violation of the rules had been
indicated, it was presumed by the Tribunal that the
respondents are under an obligation to follow the rules
made by them under proviso to Article 309 of the
Constitution. Non-perusal of the record cannot be
described as an error apparent on the face of the
record. It is for the Tribunal to call for the records
and to peruse the same before coming to a finding.
There was a categorical averment in the counter-affidavit
filed by the respondents that the seniority of the
applicant had been fixed in accordance with RAW (R&P)
Rules, 1975 promulgated on 21.10.1975 and there was no
rebutal of the statement made by the respondents. It
was in this context that the Tribunal did not feel it
necessary to issue any fresh direction to the respondents
to go through the exercise of revising the seniority
list since the violation of the rules had not been
clearly indicated. The other ground on the basis of
which the application could not be sustained was non-
impleadment of necessary parties over whom the applicant
was claiming seniority. Thus the application was
dismissed on two grounds i.e. non-challenge to the
specific rule which was violated by the respondents
and non-impleadment of the necessary parties.

The scope of R.A. is limited under Order XLVII
Rule 1 of the C.P.C. The Tribunal can exercise that
power when the applicant shows the discovery of new
and important matter of evidence which after exercise
of due diligence was not within the knowledge at the

time of hearing or when the order was made. It can be exercised when some mistake or error apparent on the face of the record is found and indicated by the review applicant; it may also be exercised on any other analogous ground. .

3.   We do not find that this application falls within the four corners of Order 47, Rule 1 of the CPC. The RA can not be listed for a fresh hearing of arguments as has been prayed for by the applicant. The OA was decided on the basis of the pleadings on record without .: . going through the relevant documents called for by the Tribunal on purely technical &procedural grounds, i.e./no challenge to any violation of a specific rule and also there was non-impleadment of necessary parties. These grounds stand even today. Thus, it does not call for any inter- ference in the original order passed by the Tribunal. The RA is accordingly dismissed as devoid of any merit or substance.

(Dr. A. Vedavalli)
Member(J)

(B. K. Singh)
Member(A)

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