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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

R.A. No. 458/1993

In

O.A. No. 1645/1988

This 7th day of January 1994

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

Chander Bhan
S/o Shri Shyam Lal Sharma,
H-12, Police Station,
Lajpat Nagar,
New Delhi.

Applicant

VERSUS

1. Delhi Administration, through,
The Administrator,
Delhi.

2. The Commissioner of Police,
Police Headquarters,
I.P. Estate,
New Delhi.

3. The Deputy Commissioner of Police
(Communication),
Old Police Line,
Delhi.

Respondents

O R D E R

This review application under Section 22(3)(f) read with Rule 17 of CAT (Procedure) Rules 1987 has been filed against the judgment and order dated 12th November, 1993 in the matter of Chander Bhan Vs. Delhi Administration & Ors.

2. We have carefully gone through the review application filed by late Shri Umesh Mishra, counsel for the review applicant. The judgement has dealt with every aspect of the problem raised in the review application.

3. The Tribunal does not have any inherent power to review. It exercises power of review under Section 114 read with Order 47 Rule 1 of CPC. The CPC vests civil courts with power to review its decision on the ground that new fact has been discovered or a new evidence has come to



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light which could not be placed before the Bench during the time of hearing. The review applicant has also to show that in spite of best attempts and efforts he was not in a position to advance this evidence or that in spite of due diligence that particular evidence or discovery of fact was not within his knowledge and as such could not be proceed before. Secondly, the review can take place if it is shown that there is a mistake or error apparent on the face of the record. Thirdly, there should be other sufficient reasons to prove deficiency in the order and judgment sought to be reviewed.

4. Order 47 Rule 4(1) lays down that if there is no sufficient ground for a review, the review application shall be rejected. Rule 4(2) stipulates that no such application shall be allowed without notice and opportunity of hearing to other party and that the new matter or evidence, if any, was not within the knowledge of the applicant or could not be produced by him when the case was being heard and the orders passed.

5. A study of the review application indicates that the review applicant has not been able to bring it within the four corners of order 47 Rule 1 read with Section 114.

The clarification given by the applicant is in the form of advancement of arguments which have already been heard and decided. There is no patent error of fact or law pointed out by the review applicant. The error of fact or law should be such as to stare one in the face without any elaborate arguments being needed to establish it. A plea

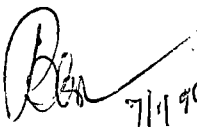
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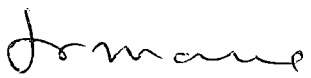
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not taken in the original application cannot be taken in the review application. The decision of Division Bench in the case of Chander Bhan has considered all the aspects and all pleadings and arguments advanced at the time of hearing and the judgment was passed after meticulously going through the pleadings on record. The decision of the Tribunal is based absolutely on correct evidence and correct application of service rules and as such there is no scope of review.

6. In view of the aforesaid facts and circumstances, we do not find any merit in the Review Application and accordingly it is dismissed by circulation.


(B.K. Singh)
Member (A)


(J.P. Sharma)
Member (J)

vpc