

RA 159/91 in OA 1645/89

SHRI KHWAJA ABDUL KHALIQUE VS. UNION OF INDIA & OTHERS

The applicant has filed the Review against the judgement dated 14.8.1991. The Review ordinarily lies on any of the following grounds :-

- (i) Discovery of new and important matter or evidence which after the exercise of due deligence was not with us in the knowledge or could not be produced by him at the time when the decree was passed or order made and it is of such a character that it might alter the judgement.
- (ii) Mistake or error either of fact or law or procedure apparent on the face of the record; it may or may not have been argued at the original hearing of the suit.
- (iii) There is other sufficient reason. This expression has to be understook ejusdem generis.

In this case, the applicant has taken almost six grounds. In the ground No.6 of the Review Application, the applicant has only referred to the findings being harsher to the applicant. It is also written that the finding is

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unwarranted. The condition of payment of interest on the difference in amount at the rate of 10% p.a. has been passed taking into account that the applicant was paid the amount of gratuity in June, 1987 while the period of superannuation of the applicant was extended from 1.6.1987 to 31.5.1989 and in that circumstance, it has been considered equitable and just.

There is no substance in this Review Petition and the applicant wants to reopen the matter which cannot be allowed in a Review Petition.

The Review Petition, therefore, is devoid of merits and is dismissed by circulation.

J. P. Sharma
(J.P. SHARMA)
20.11.91
MEMBER(J)

I. K. Rasgotra
(I.K. RASGOTRA)
MEMBER(A)