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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW DELHI

R.A No.68/92 in O.A 1294/89

DATE OF DECISION: 8.9.1992

Union of India & others .. Applicants.

vs.

Nanak Chand .. Respondents

Shri V.P.Sharma .. Counsel for the Applicants

Shri Ramesh Gautam .. Counsel for the respondents

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The Hon'ble Mr.S.P.Mukerji, Vice Chairman(A)

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?

(Judgment by Hon'ble Mr.S.P.Mukerji,  
Vice Chairman)

I have heard the arguments of the learned <sup>for both the parties</sup> counsel on this review application in connection with my judgment dated 22.10.1991 in O.A 1294/89 in which certain reliefs were given to the <sup>original</sup> applicant. My judgment was delivered when the respondents "despite umpteen opportunities and adjournments since July, 1990 failed to file any reply or counter affidavit to the main application as a result of which they forfeited their right to file a reply. The case was to be heard early on the direction of the Hon'ble Chairman dated 30.8.1990 on an M.P. filed by the applicant who is a low-paid employee. The case was listed for final hearing on 26.9.1991 and again on 11.10.1991 when the respondents failed to enter appearance." Accordingly, the case was disposed of on the basis of the available documents and arguments advanced by the learned counsel for the applicant on 11.10.1991 on merits.

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2. This review application was filed on 15.11.1991 which was sent to me for consideration on 24.2.92. It is indicated in the review application that the case was decided ex-parte because of the fault of the counsel who neither appeared nor did he file any counter. A number of facts and dates have been given in the review application for the reviewing of my ex-parte judgment.

3. No error apparent on face of record or new material which could not be available despite due diligence has been brought out in the review application, as such the review application has no force. A review application cannot be invoked to make up the deficiencies in the pleadings and arguments for which opportunities had been available to both the parties equally, during <sup>the</sup> original proceedings. Otherwise there will be no finality in such proceedings. However, I was prepared to consider the review application as an application under Rule 16 of the Central Administrative Tribunal (Procedure) Rules, 1987 for the setting aside of the ex-parte order, <sup>when</sup> ~~which~~ it was brought to my notice that after having filed the review application on 15.11.91, the review applicants moved an M.P. dated 22.11.91 <sup>when</sup> (when the review application was still pending) <sup>for</sup> for the setting aside of the ex-parte order, under Rule 16 of the above rules. More or less similar facts and dates about the factual position as indicated in the review application were brought out in that M.P. The M.P. was dismissed by the Hon'ble Judicial Member

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on 30.1.92 and as such the review application cannot be considered by me under Rule 16 of the aforesaid rules. It is regrettable to note that the review applicants while moving the aforesaid M.P. under Section 16 of the Rules suppressed the fact that a review application had been filed by <sup>them</sup> ~~him~~ only a week earlier and the same was pending.

4. In the conspectus of facts and circumstances, I see no force in the review application and dismiss the same.

*S.P.*  
8.9.92  
(S.P.MUKERJI)  
VICE CHAIRMAN  
8.9.1992

n.j.j