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In the Central Administrative Tribunal
Principal Bench: New Delhi

MP No.3936/92

Date of Order: 17.12.1992.

RA No.381/92

OA No.563/89

Shri C.P. Kapoor & Others

...Petitioners

Versus

Union of India through the
Secretary, Ministry of Food
and Agriculture, New Delhi
& Another

...Respondents

Coram:-

The Hon'ble Mr. Justice V.S. Malimath, Chairman

The Hon'ble Mr. I.K. Rasgotra, Member (A)

O R D E R

The petitioners have filed MP No.3936/92 in RA No. 381/92 in OA-563/89. The prayer of the petitioners in the MP is that they may be granted an opportunity to advance oral arguments, as they were not present on the date of hearing. The grounds adduced in the R.A. seeking review of our judgement rendered in OA-563/89 on 20.11.1992 are that the case of the petitioners was listed at serial No.16 and as per the usual direction only first 15 cases are to be posted for final hearing. Since the case of the petitioners was at serial No.16 there was no assumption that the matter would be heard finally. It is, therefore, prayed that in accordance with the principles of natural justice the review petitioners may be heard as envisaged under Section 22 of the Administrative Tribunals Act, 1985.

2. We have considered the MP-3936/92 in RA-381/92 and perused the records. The provisions relating to the power of review constitute an exception to the general rule that once a judgement is signed and pronounced it cannot be

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altered or added to afterwards. The right of review is exercisable only where the circumstances are distinctly covered by the statutory exceptions provided under Order XLVII of Code of Civil Procedure. The settled law in this regard is that the judgement can be reviewed only on the ground of discovery of new and important material/evidence which was not within the knowledge of the petitioners even after exercise of due diligence or there is any mistake or error apparent on the face of record or there are any other sufficient reasons, warranting review. The grounds adduced are not covered by the above statutory exceptions. The case was decided by us on merits, as the petitioners were not present. It was the duty of the petitioners, if they wanted to be heard, to have perused the cause list and made themselves available in the Court. They cannot make the assumption that their case will not be heard merely because it is listed at serial No.16 and make that as a ground for seeking review of the judgement. In the circumstances, explained above the R.A. is rejected in circulation.


(I.K. RASGOTRA)
MEMBER(A)


(V.S. MALIMATH)
CHAIRMAN

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