

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

R.A. 176/91 in O.A.244/89 Date of decision: 10.4.92. ³

Khushal Singh Versus Union of India & ors.

Judgement in O.A.244/89 was delivered on 7.6.91 by a Bench consisting of Hon'ble Sh.Sreedharan Nair and Hon'ble Sh.P.C.Jain. This Review Application has^{been} filed against this judgement. As Hon'ble Sh.G.Sreedharan Nair is no more, this Review Application was heard, by orders of Hon'ble Chairman, by the Bench consisting of myself and Hon'ble Sh.P.C.Jain.

2. The petitioner Khushal Singh, who was an applicant in O.A.244/89, prayed for quashing the order of his removal from service. The judgement was delivered and the O.A. was dismissed. The petitioner has assailed the judgement on two grounds:

i) A copy of the enquiry report was not supplied to him before passing of the final order by the disciplinary authority, but was supplied to him alongwith the removal order dated 26.10.1986.

ii) The O.A. is not barred by limitation.

As far as these ground are concerned, we have checked the original records carefully and found to our surprise that neither an application for condonation of delay was filed nor this ground was raised in the O.A. We are, therefore, of the view that both these grounds of review cannot be considered, in this Review Application.

3. The law is settled with regard to the power of review that a judgement can be reviewed on the ground

Laundh

contd..2p...

33

of discovery of new and important matters or evidence which, after the exercise of due diligence, was not within the knowledge of the party or could not be produced by him at the time when the order was passed. Another ground is that if some mistake or error apparent on the face of the record is available or for any other sufficient reason. It is only the discovery of new and important evidence that entitles a party to apply for a review, but the discovery of any new and important matter which was not within the knowledge of the party when the order was made, cannot be made the ground for review. Provisions relating to power of review constitute an exception to the general rule that when once a judgement is signed and pronounced, it cannot afterwards be altered or added to and hence a right of review is exercisable only where the circumstances are distinctly covered by the statutory exceptions. When we examined the contentions of this Review Application on the anvil of the aforesaid principles on the grounds which were not taken in the O.A. then we have arrived at the conclusion that the grounds which were not taken in the O.A. cannot be treated as a fresh ground for reviewing the judgement. As far as limitation is concerned, we agree with the finding given in the judgement of the O.A. xxxxxxxxxxxxxxxx. Nothing remains to review, hence, we conclude that no grounds for reviewing the judgement exist.

13/6/92
 (P.C. Jain)
 Member (A)

13.6.92
 (RAM PAL SINGH)
 VICE CHAIRMAN (J)

HON^{BLE} SH. P. C. JAIN, MEMBER (A)

P