

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

98

RA.No. 318 of 1994

in

OA.No.1227 of 1989

Dated New Delhi, this 29th day of September, 1994

Hon'ble Shri J. P. Sharma, Member(J)

Hon'ble Shri B. K. Singh, Member(A)

Shri Pramod Kumar Bali
S/o Shri B. K. Bali
Dy. CHC, Central Control
Baroda House
NEW DELHI

... Review Applicant

(Through Counsel Shri Sanjeev
Bhandari)

VERSUS

1. Union of India through
The General Manager
Northern Railway
Baroda House
NEW DELHI
2. The Divisional Railway Manager
Northern Railway
Bikaner

... Respondents

JUDGEMENT

(By circulation)

Shri B. K. Singh, M(A)

This RA.No.318/94 in OA.No.1227/89 has been
filed against the judgement and order dated 27.5.94
along with an application for condonation of delay.

2. A Review Application has to be filed within
30 days of receipt of certified copy of the judgement
and order. It is not the knowledge of the review
applicant about the date of judgement which is
crucial for counting thirty days as the period
prescribed for filing the RA. It is the date when orders
have been passed and certified copy sent to

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the concerned parties. In order to condone a delay, the review applicant has to show sufficient and substantial cause. Nothing of the sort has been mentioned in this RA. Ignorance is no excuse. Therefore the RA is liable to be dismissed on account of delay and laches alone.

3. Apart from this, a Review Application, in order to be entertained, has to be considered according to provisions laid down under Section 114 of CPC read with Order 47 Rule 1. This Tribunal is not vested with any inherent power of review. It exercises the power of review under Section 114 of the CPC read with Order 47 Rule 1 which vests Civil Courts with power to review its decisions on the following grounds:-

- (i) When a new and important matter or evidence has been discovered and which, after the exercise of due diligence, was not within the knowledge of the review applicant and could not be produced when the order was made; or
- (ii) On account of some mistake or error apparent on the face of the record; or
- (iii) On account of any other sufficient or reasonable cause as mentioned under Section 114 or Order 47 Rule 1 of CPC.

4. Thus, a Review Application is maintainable only if it comes within the four corners of Order 47 Rule 1 or Section 114 of the CPC. A review cannot be permitted


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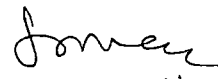
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for advancement of fresh arguments. A plea not taken in the OA cannot be permitted to be taken in the RA.

5. After going through the record we do not find any error of fact or law apparent on the face of the record and there is no other sufficient reason for reviewing the order and judgement dated 27.5.94. Thus, this Review Application is dismissed on grounds of delay and laches and also on merits.


(B. K. SINGH)
Member(A)


(J. P. SHARMA)
Member(J)

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