

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI
R.A. No. 282/94 in
O.A. No. 1105/89

New Delhi, this the 7th day of September 1994

HON'BLE SHRI C.J. ROY MEMBER (J)

HON'BLE SHRI P.T. THIRUVENGADAM MEMBER (A)

Shri Chander Shekhar Verma
s/o Shri Devi Sahi,
r/o Ram Nagar, Mandoli Road, 1/3277
Delhi Shahdara and working as
Material Checking Clerk
under Inspector of Works,
Northern Railway, New Delhi.

Applicant

In person.

Vs.

1. Union of India, through:
General Manager,
Northern Railway, Baroda House,
New Delhi.

2. Senior Division Personal Officer,
Northern Railway, Chelmsford Road,
New Delhi

Respondents

(By Shri BK Aggarwal Advocate)

ORDER

(By circulation)

HON'BLE SHRI P.T. THIRUVENGATAM MEMBER (A)

This review petition has been filed for reviewing the order passed by this Bench in OA No. 1105/89 on 18-3-1994.

2. In the order passed we had noted that in the supplementary list dated 25-1-1989 containing the names of candidates to be called for viva voce test the applicant's name already figured. Relief claimed in the U.A. was that the respondents should be directed to allow the applicant to appear in the viva-voce test for the selection post of material checking clerk. We happened to scrutinise the supplementary list dated 25-1-89. Then the 1st counsel for the applicant fairly conceded that the relief has already been met and hence the U.A. was not pressed. This order was passed in open court.

3. Review Application is now being filed with

the allegation that the statement made by the Advocate is wrong, and that the applicant has not got the relief sought in the O.A. It is the applicant's case in the review petition that even though his name figured in the supplementary list dated 25-1-89, he was not allowed to appear for viva voce test and hence is pressing for the relief once again. We do not propose to go into the allegation made by the review applicant that his Advocate has made a wrong statement. Suffice it to state that the original application referred to the supplementary list in praes 4.7 and 4.8 as under:-

"4.7: That another letter dated 25-1-89 An.A4 was issued by Respondent No.2 whereby it was proposed to hold another viva voce test of certain persons who were said to be senior to the persons selected vide letter dated 10-3-1988, Annexure A3."

"4.8: That this list issued with Annexure A4 also included persons at S.No.31 to 40 who were junior to the applicant."

4. In the O.A it was nowhere brought out that his name figured in the supplementary list and he was not allowed to appear in the viva voce test. If anything, the fact of inclusion in the supplementary list was almost hidden till we scrutinised the list ourselves.

5. We are not convinced that there is any ground for review. As per order 47 Rule 1 CPC a review can be entertained only on discovery of new and important matter or evidence which after the exercise of due diligence was not within the knowledge of a person seeking the review or could not be produced by him at the time the order was made; it may be exercised where some mistake or error apparent on the face of the record is found; it may also be exercised on any analogous ground.

6. This application does not fall within the four corners of order 47 rule 1 CPC wherein the jurisdiction of the Tribunal to review its judgment is circumscribed.

P. T. Thiruengadam

(P. T. THIRUVENGADAM)
Member (A)

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(C. J. Roy)
Member (J)

7/9/94