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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
* * *

R.A. NO.40/92 IN O.A. NO.2461/89

30.01.1992

SMT. USHA BHALLA VS. UNION OF INDIA AND OTHERS

SHRI B.S. MAINEE, COUNSEL FOR THE APPLICANT

ORDER (ORAL)

(DELIVERED BY SHRI I.K. RASGOTRA, HON'BLE MEMBER(A))

Heard. This R.A. has been filed by the learned counsel for the applicant for the review of our judgement in O.A. No.2461/1989 decided on 11.11.1991. The operative part of the order deals as under :-

"We, therefore, set aside the order dt. 8.11.1988 imposing penalty on the applicant. It will be open to the respondents to continue with the disciplinary proceedings, if they so wish, provided they comply with the directions given below:

- (i) A copy of the Inquiry Officer's report will be served on the applicant within a period of one month from the service of this order on the respondents;
- (ii) It will be open to the applicant to file objections, if she so desires, against the report/findings of the Inquiry Officer to the Disciplinary Authority who will consider the same before passing any order. If there is an appeal provided against the order of the Disciplinary Authority, the applicant shall prefer the same in case she is aggrieved by the order of the Disciplinary Authority. In case the respondents do not proceed with the disciplinary proceedings against the applicant or it is dropped, then in that event the applicant shall be paid his due emoluments from the date or the impugned order.

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Information now adduced cannot be said to be not available with the learned counsel if due diligence had been exercised. The Review Application is not meant for re-agitating the issues which are already decided. It has been held by the Hon'ble Supreme Court in Chandra Kanta & Anr. Vs. Sheikh Habib, AIR 1975 S.C. 1500, which is as follows :

"Once an order has been passed by the Court, a review thereof must be subject to the rules of the game and cannot be lightly entertained. A review of a judgement is a serious step and a resort to it is proper only where a glaring omission or patent or patent mistake or grave error has crept in earlier by judicial fallibility. A mere repetition through a different counsel, of the old and overruled arguments, a second trip over ineffectually covered ground or minor mistakes of inconsequential import, are obviously insufficient."

Having regard to the above circumstances and the law, we are not inclined to accept the Review Application and the same is rejected.


(J.P. SHARMA)
MEMBER (J)
30.01.1992


(I.K. RASGOTRA)
MEMBER (A)
30.01.1992

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In the result, therefore, the O.A. succeeds in part. The impugned order dated 8.11.1988 is quashed and set aside, but it will be open to the respondents to proceed with the disciplinary proceedings in accordance with the directions given above.

There will, however, be no order as to costs." The ground for seeking review of the said judgement is that error has inadvertently occurred in the judgement because the applicant did not inform her counsel as also this Tribunal at the time of arguments that the petitioner has already retired from the service on 31.8.1991. Taking this as the ground, the matter is now being re-agitated so that no disciplinary proceedings can be started/continued if the respondents so decide from the stage of supply of the enquiry report. The scope of the Review Application has been laid down in Order 47 Rule 4 of the C.P.C. According to the said order, the review can be undertaken only when there is an error apparaent on the face of record and/or when an important matter or evidence which after the exercise of due deligence was not within his knowledge or could not be produced by him at the time when the decree was passed..."