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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI  
\* \* \*

Date of Order: 4.8.92

RA 266/92 in OA 1809/89

M.R. GUPTA

Vs.

UNION OF INIDA

ORDER

This is a Review Application against the judgement dated 22.5.92 by which the OA has been dismissed as being barred by limitation.

The contention of the applicant is that some documents filed by the applicant at pages 44 & 45 (Annexure-8) have not been considered contending that the case of the applicant <sup>was</sup> ~~is~~ under active consideration of the respondents. The applicant has also filed another document alongwith the review on the subject of stepping up of pay of the applicant dated 19.10.89. I have considered this document also. The basic question of limitation still remains there. The applicant has prayed for fixation of his pay on his initial appointment in the Railways in 1978 and has come <sup>for it</sup> ~~to~~ the ~~Tribunal~~ <sup>redress of grievance</sup> after a period of 11 years after he has already joined as Examiner of Patents and Designs in the Ministry of Industry, Department of Industrial Development w.e.f. 6.10.83. The present application was filed on 4.9.89. The matter has been considered at length and reasons given in the judgement itself that how the present application is barred

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under the provisions of Section 21(1) of the A.T. Act, 1985. The reference has also been made in the latest decision of the Hon'ble Supreme Court in the case of S.S. Rathore Vs. State of Madhya Pradesh (AIR 1990 SC 10). The applicant has not been able to point out any error apparent on the face of the judgement.

As provided by Section 23(3)(f) of the Act, the Tribunal possesses the same powers of review as are vested in a civil court while trying a civil suit. As per the provisions of Order XLVII, Rule 1 of the Code of Civil Procedure, a decision/judgement/order can be reviewed :

- (i) if it suffers an error apparent on the case of the record; or
- (ii) is liable to be reviewed on account of discovery of any new material or evidence which was not within the knowledge of the party or could not be produced by him at the time the judgement was made, despite due diligence; or
- (iii) for any other sufficient reason construed to mean "analogous reason".

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- 3 -

No case for review of the judgement is therefore made out. The Review Petition cannot <sup>the case</sup> be reopened again and the Review Application is devoid of merit and is, therefore, dismissed.

*Jomanno*

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

4.8.92