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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

RA NO. 98/91

DATE OF DECISION: 7.6.91

IN OA NO. 1718/89

SHRI D.P. BHATIA

APPLICANT

VERSUS

UNION OF INDIA & ORS.

RESPONDENTS

CORAM:

THE HON'BLE JUSTICE MR. AMITAV BANERJI, CHAIRMAN

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

FOR THE APPLICANT

IN PERSON

Shri D.P. Bhatia, has filed RA No.98/91 in OA No.1718/89 on 23.5.1991 seeking review of our judgement dated 3.4.1991.

Besides pointing out certain typographical errors in the dates, the applicant has prayed for review of the judgement on merits.

Before going into the merits of the review application we would like to set the record right by suitably amending the dates as under:

- I. On page 1 in line 12 of the said judgement the date '20.6.1989' has been wrongly typed as '20.6.1986'.
- II) On page 3 in line 24 of the judgement the date '20.5.1980' has been wrongly typed as '20.5.1989'.
- III) On page 4, in line 8 of the last paragraph, the date '4.11.1981' has been wrongly typed as '4.11.1989'.
- IV) On page 8 in the 5th line of paragraph 3 the date '20.5.1980' has been wrongly typed as '20.5.1988'.
- V) On page 9 of the judgement the dates in the 3rd and 5th line the dates '13.7.1981' and '25.7.1981' have been wrongly typed as '30.7.1981' and '27.5.1981' respectively.

27 2-

VI) On page 12, paragraph 8 of the judgement, the date 'January, 1980' has been wrongly typed as 'January 1981'.

In view of the above, we order that the Registry shall carry out the above corrections in the original judgement and take further appropriate action.

The above corrections do not however affect in any way the decision as pronounced.

2. The applicant has raised the following grounds for seeking the review of the judgement dated 3.4.1991.

a) He had claimed seniority in the new unit below the direct recruit of 1977 SSC Batch and that he had not claimed maintenance of inter-se seniority in his original unit with reference to Mrs. Rita Khanna who was transferred earlier.

b) Non-consideration of his request for transfer on the ground that he should complete two years probation period was illegal as there was no probation period prescribed in his appointment letter or in any statutory rule. It was the noncompletion of the alleged probation period by him that came in the way of his being considered for transfer to Delhi and not the adverse vacancy position as observed in paragraph 6 of the judgement. There was no adverse vacancy position as one Shri A.K. Khurana was also transferred vide orders dated 18.5.1980 to Meerut without insisting on the completion of the two years probation period. Prima facie, therefore, the applicant was discriminated.

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We had heard the learned counsel for both the parties and gone through the record carefully. The grounds put forth now by the applicant are not new grounds which were not within the knowledge after exercising due diligence or which had not been taken either in pleadings or in the oral hearing.

A review of a judgement is a serious step and can be resorted to only where a glaring omission or patent mistake or grave error has crept in by the judicial fallibility. A mere repetition of the old and overruled arguments, a second trip over ineffectual covered ground or minor mistakes of inconsequential import are not sufficient grounds for reviewing the judgement. Review of the judgement can be undertaken only within the scope of Order XLVII, Rule 1 of the Code of Civil Procedure.

The grounds advanced by the applicant do not fall within the purview of the Order XLVII, Rule 1 of the Code of Civil Procedure and are in effect reiteration of the position already traversed. Accordingly the Review Application is rejected.


(I.K. Rasgotra)

Member(A)


(Amitav Banerji)

Chairman