

(21)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH

NEW DELHI

*** **

RA No.96/95 in
OA No.1899/1990

Date of decision 24-4-95

Hon'ble Shri S.R. Adige, Member (A)

Hon'ble Smt.Lakshmi Swaminathan, Member(J)

The Director of Education,
Delhi Administration, Old Sectt.,
Delhi-110054

.. Applicant

(By Advocate Shri Arun Bhardwaj)

Versus

Smt. Krishna Sharma,
w/o Shri P.C. Sharma,
R/O 336, Pocket-2, Pachim Puri,
New Delhi-110063

..Respondent.

O R D E R (By circulation)

[Hon'ble Smt.Lakshmi Swaminathan, Member (J)]

The applicant(Original respondent in O.A. No. 1899/90) has filed the Review Application No. 96/95 seeking review of the judgment dated 30-9-1994 in Smt. Krishna Sharma v.Delhi Administration and Others. We have seen the Review Application and we are satisfied that the same can be disposed of by circulation under Rule 17 (iii) of the C.A.T. (Procedure) Rules, 1987.

2. The applicant has sought review of the Order dated 30-9-1994 on the ground that there is an error apparent on the face of the record as the Tribunal -

- (i) Failed to appreciate the "entire vauge of controversy (SIC);

failed

- (ii) /to appreciate the documents on record;
- (iii) that the judgment relied upon by the Tribunal in the State of Mysore & Others v. V.H.Srinivasmurthy (AIR 1976 Vol.83) SC 1104 is not applicable ;
- (iv) that the respondent/original applicant has no right to be absorbed permanently in the Department of Education, Delhi Administration ; and
- (v) that the Advocate Sh. Ashok Jain, who had appeared on behalf of the respondents ceased to be on the panel and, therefore, lacked interest in the matter and, therefore, did not defend the case properly.

3. The scope of the Review Application is very limited and it is maintainable only if there is an error apparent on the face of the record or some new evidence has come to notice, which was not available even after exercise of due diligence or any other sufficient reasons^{as is} provided in Order 47, Rule (1) of the CCP.

4. On a perusal of the grounds mentioned above in the Review Application, it is clear that none of the ingredients given in order 47, Rule 1 of the CPC under which Review Application can be allowed, is present to warrant a review of the order dated 30-9-1994.

5. The first ground is unintelligible and grounds (ii) two (iv) seek to re-open the case on facts and law which had already been argued and considered before the O.A. was disposed of by Order dated 30-9-1994. Thus , no error apparent on the face of the record has been pointed out and the Review Application can not be the remedy for seeking relief only because the applicant feels that the decision is wrong. As regards ground (v), it is indeed surprising to note that the respondents are not even aware of the proper name of the panel advocate, who had represented them at the time of arguments, namely, Ms. Ashoka Jain, who had been referred to as Sh. Ashok Jain. Apart from this, it

was for the department to appoint any counsel they deem fit to represent their case at the time of arguments and this can-not be a ground for allowing the Review Application.

6. MA 855/95 has been filed alongwith the Review Application for condonation of delay^{of} about two months and one week (Para-2). However, it is seen that ~~since~~^{the} the copy of the judgment is stated to have been received on 18-10-1994 and the Review Application has been filed on 3-4-1995 which makes the delay for more than four months. The grounds given in the M.A. are unsatisfactory even for a period of two months delay and hence the M.A. is rejected.

7. In the result, the Review Application is dismissed.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member (J) 24/4/95

S.R. Adige
(S.R. Adige)
Member (A)