

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

15

R.A. No. 198/91 in OA 831/90

Dt: 14-11-91

U.O.I.

Respondents in the O.A.

vs.

B.N. Sharma

Applicant in the O.A.

The respondents in this Review Application contend that the judgment passed by this Tribunal in O.A. No. 831/90, decided on 15.5.91, be reviewed. The respondents have raised several points and have also filed two documents alongwith the R.A. By this R.A. the respondents want to raise the grounds of defence which they ought to have raised in reply to the original application. In the O.A., in spite of several opportunities, the respondents did not file their return. In the O.A., on 13.3.91, this Bench passed the order in the order sheet that as the respondents have not filed their reply, the case be listed for admission, interim relief/final disposal. When on 13.5.91, the case was being heard in the presence of both the counsel, till that date the respondents did not file their return or any document upon which they intended to rely. On 13.5.91 the arguments ^{of} both the counsel were heard for final disposal and the judgment was pronounced on 15.5.91.

2. By filing this R.A., the real intention of the respondents appears to reopen the case and put up their defence and documents. In spite of several opportunities given to the respondents, they remained indifferent and failed to file any return or documents which may oppose the contents and prayer of the O.A. The grounds of review must be something which existed at the date of the judgment. It is not the discovery of new and important matter subsequently that entitles a party to apply for the review, but the discovery of new and important matter which was not within the knowledge of the party when the judgment was made. The review can be prayed for on the ground of discovery of new and important matter or evidence which after exercise of due diligence was not within the knowledge of the party or could not be produced by him at the

time when the judgement was passed.

3. On perusal of the review application, it appears that the respondents had the knowledge with regard to the evidence which they want to adduce now. In such a situation, the judgment cannot be reviewed. No mistake or error apparent on the face of the record has been pointed out in the review application. By filing this R.A., the respondents intend to cover their mistake in not filing the return and the documents. Hence, they cannot be permitted to take advantage of their own wrong. This review application is completely bereft of any merit and deserves rejection. We, therefore, reject this review application.

14.11.91
(RAM PAL SINGH)

VICE-CHAIRMAN (J)

Hon'ble Shri P.C. Jain, Member (A)

Jaypee.

14/11/91
(P. C. Jain)
Member (A)