

(38)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

R.A.No. 16/93

Date of decision 21/1/93

in

D.A.No. 1495/91.

SHRI RAHUL SINGH

v/s

UNION OF INDIA & ORS.

This Review Application has been filed in regard to the judgement delivered on 14.12.1992 in D.A. No. 1495/91. The petitioner has sought for the review mainly on the ground that the respondents have themselves admitted in their counter that the petitioner's appointment from 29.4.1985 was under Rule 10(2) of AFHQ Civil Service Rules. He has further stated that the appointment of the petitioner from 1.10.1984 to 29.4.1985 was also under Rule 10(2) and the respondents have with-held from the court some facts from the file which were known to the applicant as the file itself was marked to him for his information at the relevant time. He has further stated that the eligibility condition from 8 years to 4 years approved service as on 1.10.1984

had been relaxed by Ministry of Defence and Department of Personnel. Further, the UPSC had initially relaxed the eligibility condition from 8 to 4 years approved service as on 1.10.1984.

2. We find that all these points have been covered in the said judgement. In para 5 of the judgement the contention of the applicant regarding admission in the counter that the applicant's appointment was always under Rule 10(2) was brought out. It was further spelt out in para 7. The question of relaxation of eligibility condition was also discussed in the judgement. The facts and arguments were analysed in para 9 and it was held that the applicant was appointed under Rule 10(2) by order dated 7.4.1989 which was evident from perusal of appointment letters and Annexure 13 filed by the applicant himself. The approved service, according to rules, meant the period of service in that grade rendered after selection according to prescribed procedure for long-term appointment to the grade. It was also brought out that the UPSC did not agree to relax the eligibility condition for the DPC for the year 1984-85. While the recruitment rules provide for

a relaxation clause and such relaxations were given by the respondents for promotion upto 1983-84 the eligibility condition for the DPC from 1984-85 onwards was decided not to be relaxed because of the recommendations of the UPSC. It was also observed in the judgement that it was not left to the Bench to direct that the respondents should differ with the recommendation of the UPSC and relax the provision when there is no legal compulsion to do so.

3. By a Review Application the arguments already brought out and discussed in the judgement cannot be reagitated or restressed again. The review of judgement is a serious step and reluctant resort to it is proper only where a glaring omission or patent mistake or a grave error has crept in earlier by judicial fellibility. There are definite limits to the exercise of the power of review. The power of review may be exercised on the discovery of new and important matter or evidence which after the exercise of due diligence was not within the knowledge of the person seeking the review. It cannot be exercised on the ground that the decision was erroneous on merit. That would be the province of a court of appeal.

4. We do not find sufficient cause to review
the judgement already delivered. The Review
Application is accordingly dismissed.

I.P. Gupta
Member (A) 21/1/73

Agree,
Ram Pal Singh
Vice-Chairman (J)