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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, DELHI.

R.A. No.46/1992 in CCP No.262/91
(in O.A. No.1744/91).

February 17, 1992.

Digamber Prasad

Vs.

N.C. Dogra & Anr.

ORDER:

Petition for Contempt of Court Proceedings (CCP 262/91) filed in O.A. 1744/91 was dismissed on merits and the rule was discharged, vide order dated 21.1.1992 passed by this Tribunal. The petitioner filed M.P. 291/92 praying for restoration of the CCP. Since the CCP was dismissed on merits and not for default, and there being a clear statutory bar against the maintainability of such an application, it was permitted to be converted into a review petition, vide order dated 3.2.1992, and it has been assigned R.A. No.46/1992.

2. As provided by Section 22(3)(f) of the Administrative Tribunals Act, 1985, 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/judgment/order can be reviewed:

(i) if it suffers from an error apparent on the face 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 judgment was made, despite due diligence; or

(iii) for any other sufficient reason.

3. M.P. 291/92, which has since been converted into R.A., does not disclose that any of the above three grounds exists in this case. Further, order dated 21.1.1992 in CCP 262/91, against which this R.A. has been filed, states that the materials placed do indicate that the petitioner was relieved before the interim order was made. The R.A. does not show as to how the above finding is not factually correct. Accordingly, the R.A. is devoid of any merit and dismissed as such. (By circulation).

I agree
Amal Kumar

Hon'ble Chairman.

C. C. Jain
(P.C. JA'IN)
MEMBER(A)
17.2.1992.