

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

26

RA No.58/92 in
OA No.981/91

Date of decision:
21-2-1992

Shri R.K.Kohli & Ors. ...

Applicants

versus

Central Provident Fund Commissioner
& Ors. ...

Respondents

CORAM

THE HON'BLE MR.JUSTICE V.S.MALIMATH, CHAIRMAN

THE HON'BLE MR.D.K.CHAKRAVORTY, MEMBER(A)

ORDER

(ORDER PASSED IN CIRCULATION BY HON'BLE MR.D.K.
CHAKRAVORTY, MEMBER)

This is an application filed by the applicants in OA 981/91 for review of our judgement dated 3.1.1992 delivered in a batch of cases including the aforesaid OA.

2. After hearing the learned counsel of both sides at length who appeared in this batch of cases, the Tribunal had delivered its judgement with appropriate directions to the respondents.

3. In this RA, the applicants have prayed for a review of the judgement with a view to clarify whether the intention of the Tribunal was to:-

" (i) permit the respondents to determine the number of candidates to be declared as successful in Part-I of the examination more than the number of existing & anticipated vacancies available or to

(ii) restrict their number to the extent vacancies available as has been done by the respondents

- (iii) give a finding on the prayer of the applicant for computation of the existing and anticipated vacancies as accurately as possible and
- (iv) to review its finding whether the vacancies existed prior to 3.3.1990 which were required to be filled in as per rules obtaining at that time or to be filled according to the New Recruitment Rules and if so, to which extent the amended R.Rules having not retrospective effect can deprive the applicants for such vacancies and
- (v) Lastly, but not the least to clarify whether it will be open to the applicants as was submitted during the course of the argument to challenge the proposed amendment through a fresh O.A. and rejection of their earlier prayer on the ground of delay will not attract the concept of constructive resjudicata."

4. In our view the judgement dated 3.1.1992 is complete in all respects. It is for the applicants and the respondents to interpret the judgement and implement it according to their own understanding.

5. It is well settled that the scope of review of a judgement is limited. In AIR 1979 SC 1047 (A.T.Sharma Vs. A.P.Sharma and others), the Supreme Court has held as follows:-


" But there are definite limits to the exercise of 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 or could not be produced by him at the time when the order was made; it may be exercised where some mistake or error apparent on the face of the record is found; it may also be exercised on any analogous ground. But it may not be

28

exercised on the ground that the decision was erroneous on merits. That would be the province of a court of appeal."

6. A judgement once passed acquires finality and it cannot be substituted by a fresh or second judgement. In case the applicants are aggrieved by the way the respondents are implementing the judgement, it is open to them to seek appropriate remedy as per law if so advised. Or it may be that the applicants are dissatisfied with the decision of the Tribunal and if so, the proper course for them would be to move the apex court and not to re-agitate the matter through a Review Application.

7. We have carefully considered the points raised in the RA and are of the view that no grounds for review of the judgement exist. We see no merit in the RA and the same is dismissed.


(D.K. CHAKRAVORTY)
MEMBER(A)


(V.S. MALIMATH)
CHAIRMAN