

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

(19)

MP No.641/92, RA No.69/92 in OA No.1747/91

Date of Decision 21.4.92

Shri Anil Kumar Nigam Vs. Union of India & Anr.

The applicant has preferred this RA under Section 22(3) (f) of the Administrative Tribunals Act, 1985 for the review of the order dt.30.1.92.

2. As provided by Section 22(3) (f) of the Act, 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/judgement/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 judgement was made, despite due diligence; or

(iii) for any other sufficient reason construed to mean "analogous reason".

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3. In this case, the applicant was aggrieved by the Order dt. 25.6.1991, which was an order of transfer of the applicant from New Delhi to ARC, Doon Dooma. The grounds (a) to (g) taken in the OA and mentioned in the Review Petition are already covered in the judgement under review. The law which was relied upon by the learned counsel for the applicant and stated during the course of the arguments had also been referred to in the judgement.

4. In this RA in the ground (A), the applicant has stated that the applicant became Stenographer Grade II only in July, 1988 and that he is neither the seniormost nor the juniormost in the cadre in terms of stay at Delhi as Stenographer Grade II. The period of stay at New Delhi was not considered with reference to the grade for the purpose of transfer, but the whole period of stay at the station in the service was considered on the basis of which the applicant was the longest stayee at New Delhi. All employees have an All India transfer liability. It was due to the upgradation of the post of Stenographer Grade II to Senior P.A. and as per the policy issued vide order dt. 16.9.1988 that the applicant was transferred to

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ARC, Doon Dooma. There is no apparent error on the face of the record as stated in ground (A) and does not call for review of the judgement dt. 30.1.92 under Order XLVII Rule 1 CPC. As regards ground (B) as observed above, the applicant had the longest stay at Delhi and as per the policy issued vide order dt. 16.9.1988, he had to be transferred to provide replacement to a person who had completed his ^{hard} tenure of three years at Doon Dooma. In view of the above facts, there is no contradiction regarding the fact of the applicant having the longest stay at Delhi as the respondents have clearly stated the same in para (d) of the grounds at p-6 of the counter. In reply to ground (d) of para-5, nothing has been said in the rejoinder by the applicant.

5. As regards ground (C) of Review, the events happening subsequent to the judgement cannot be taken into account as a discovery of new evidence for reviewing the judgement. The ground (D) of the Review Application is only argumentative and has no relevancy with the merit of the case for review. Regarding the ground (E) of the review, the reply is signed by the deponent at the bottom of the application as well as at the bottom of the

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verification, but it appears that full name of the person has not been given. When the counter filed by the respondents has been accepted, then the technical objection of the person who has signed it and has not given his full name, has no relevance.

6. The Review Petition cannot reopen the whole case which has been decided on the basis of the arguments advanced by the respective parties.

7. There is no merit in this Review Application and the same is accordingly dismissed. MP No.641/92 has become infructuous and is also dismissed.

J. P. Sharma
(J.P. SHARMA)
MEMBER (J) 21.4.92

Recd. 21/4/92
(P.C. JAIN)
MEMBER (A)