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CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

R.A. No. 76 of 1992 in
O.A. No. 150 of 1991.

Nagina Mishra vs. Union of India

This review application has been filed by the applicant. He is aggrieved by the latter part of the judgment in O.A. No. 150/91 dated 14.1.92. In this R.A. it has been contended that/consequential relief has not been granted to the applicant as it follows automatically from the declaration made in the judgment of the O.A. Hence, it was not necessary to seek a separate relief. In sum and substance, he is more aggrieved because following Union of India Vs. Mohammed Ramzan Khan (J.T. 1990 (4) S.C. p. 456) this court observed in para 6 that the disciplinary authority may proceed further with the enquiry from the stage of supply of copy of the enquiry report to the applicant and conclude the enquiry according to law and rules. Thus, the petitioner prays for reviewing the order and also issuing directions for consequential reliefs.

2. The provisions relating to power of review constitute an exception to the general rule that when once a judgment is signed and pronounced, it cannot afterwards be altered or added to and hence a right of review is exercisable only where the circumstances are distinctly covered by the statutory exceptions. In such a case, the onus lies heavily upon the petitioner to make out a case for review and the advantage of doubt as to which side was correct must go to the other side. Where a review of a judgment is asked for by a party, greatest care ought to be exercised by the court in granting the review, specially when the grounds lie on a thin layer of ice. It is so easy to the party who has lost this case to see what the weak part of his case was and the temptation to try and procure evidence which will strengthen that weak part and put a different complexion upon that part of the case, must be very strong.

4. On the anvil of this settled position of law, this judgment cannot be reviewed. The orders passed in para 6 of the judgment in O.A. No. 150/91 are very clear and explicit and no review of

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the judgment will be justified in law as prayed for in the R.A. We, therefore, dismiss this R.A.

Ram Pal Singh
(RAM PAL SINGH)
VICE-CHAIRMAN (J)

12.3.92

Hon'ble Member, Shri P.S. Habeeb Mohamed

I agree
(*P.S. Habeeb Mohamed*) 18/3/92