

(19)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
PRINCIPAL BENCH,
NEW DELHI.

* * * *

15.6.92

RA 147/92 in
OA 1592/91

Shri Chatur Mani Uniyal & Another vs. UOI & Ors.

ORDER

(DELIVERED BY HON'BLE SHRI J.P. SHARMA, MEMBER (J).)

The applicants have preferred this Review Application under Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987 against the judgement dated 29.1.1992.

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 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".

(20)

3. The first ground taken by the applicant is that the applicant had made request to the respondents since the year 1985, before attaining the age of 55 years medically decategorising him and the clear finding in this regard is in the last part of the judgement that the case of the applicant for medically decategorisation is not tenable. The ground No.2 also does not point out any error apparent on the face of the judgement and is argumentative.

4. The ground No.3 refers to certain example of appointment in the case of Shiv Ram, Yard Master but he was declared incapacitated and unfit, which is not the case of the applicant. The ground Nos.4, 5 and 6 are also argumentative and fully discussed in the body of the judgement.

5. In view of the above discussion, the present Review Application is totally devoid of merit and is dismissed by circulation.

(J.P. SHARMA)
MEMBER (J)

15.5.92

(I.K. RASGOTRA)
MEMBER (A)