

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

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14.05.92

R.A. NO.161/92 in O.A. NO.1708/91

The General Manager, Western Railway & Anr. Vs. Parsadi Lal
Sharma

ORDER

The General Manager, Western Railway/^{respondent in OA.} filed this Review Petition under Section 22(3)(f) of the Administrative Tribunals Act, 1985 read with Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987 against the judgement delivered on 27.3.1992 by which the Original Application was disposed of with the following directions :-

"In view of the above facts, the impugned orders are quashed and set aside. However, the respondents are free to proceed against the applicant from the stage of furnishing of the Enquiry Officer's report to the applicant and the Disciplinary Authority may pass another order in accordance with para-2308 of Indian Railway Establishment Code within three months from the date of receipt of a copy of this order, otherwise the applicant should be paid the withheld amount of DCRG along with 10% interest. In case the Disciplinary Authority with the proper sanction of the President, as envisaged under para-2308, passes an order to the detriment of the applicant, then the payment of DCRG, if any, shall be subject to that order on the appellate order, if any appeal has been preferred and the order of payment of DCRG passed above will not be given effect to till then and shall be subject to the final outcome of the orders of the Disciplinary, Appellate or Revisional Authority, as

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the case may be. In the circumstances, the parties shall bear their own costs."

2. As provided by Section 23(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".

3. The grounds taken to review the judgement do not pinpoint any factual error apparent on the face of the judgement. The petitioner in the Review Petition did not file any counter nor contested the application which has gone totally by default on their part. In the body of the judgement, the relevant law and the provisions of para-2308 of the Indian Railway Establishment Code, volume-I have been fully discussed. There is no merit in the Review Application and the same is, therefore, dismissed on the basis of the record.

J. P. Sharma
(J.P. SHARMA) 14.5.92
MEMBER (J)