

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

(2)

RA 162/92 in OA 1511/91

Shri R.C. Mehtani vs. Union of India & Ors.

27.5.92

ORDER

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

The applicant has preferred the application for Review of the judgement dt.3.4.1992 under Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987 passed in OA 1511/91 by which the Original Application was disposed of with the following directions :

"In view of the above discussion, the application is disposed of in the following manner :

- (a) The applicant's prayer for the grant of relief for regular promotion on the basis of the panel of 8.3.1990 is disallowed at this stage, but that would be subject to the final result of the disciplinary proceedings pending against him on the basis of charge memo served on him on 5.4.1990.
- (b) If any meeting of the DPC is held in future for the post of Surveyor of Works, without prejudice to the right of the applicant under (a) above, he should be considered along with his juniors but the assessment of the applicant shall be kept by the DPC in a sealed cover.
- (c) After the conclusion of the Disciplinary proceedings referred to above, the sealed cover shall be opened and the applicant's promotion considered on the basis of the outcome of the disciplinary proceedings and the assessments available under (a) and sealed covers under (b) above.

The other reliefs prayed by the applicant are disallowed leaving the parties to bear their own costs."

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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 applicant has only referred to the authorities & Ors. of C.O. Arumajam vs. State of Tamil Nadu & Ors., Judgement Today, 1989(4) SC p-377 and the judgement of the Hon'ble Supreme Court in the case of Union of India etc. vs. K.V. Janaki Raman etc. The ground taken in the Review Petition is that there is wrong application of the judgements, but the matter is fully discussed in the judgement in paras '8' and '9' of the judgement. The applicant has not filed with the Review Application, page No. 6 of ^{our} ~~the~~ ^{part of this discussion} judgement ^{containing} ~~containing~~ There is no merit in this Review Application and the applicant cannot be allowed to reopen the hearing of the case. ^{merits of law in the} The Review Petition is, therefore, devoid of merit and dismissed by circulation.

(J.P. SHARMA)
MEMBER (J)

27.5.92

(S.P. MUKERJI)
VICE CHAIRMAN