

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

RA No.163/93 in
OA No.125/91

Date of Order: 12.6.1993

Union of India & Others

...Petitioners

Versus

Shri Kishori Lal & Others

...Respondents

Coram: The Hon'ble Mr. I.K. Rasgotra, Member (A)

O R D E R

The petitioners in this petition (respondents in the main OA) have prayed for review of my judgement in OA-125/91 rendered on 6.1.1993, adducing a variety of grounds which have either been earlier agitated when the O.A. was heard or have not been raised at all even though documents or provisions for raising such arguments were available to the petitioners had they exercised due diligence. It was open to the review petitioners to bring out all relevant material when the matter was heard and the judgement dictated in the Open Court. It cannot be the case of the petitioners that the points now made on the basis of the provisions made in Paragraph 1316 of IREM Volume II were not known to them. In any case reference to these provisions cannot be construed as discovery of new document which was not within the knowledge of the petitioners even after exercise of due diligence. The scope of the review petition lies in a very narrow compass. The judgement once rendered can be reviewed only on the following grounds:-

- i) if there is any error apparent on the face of record;
- ii) discovery of new/fresh document/evidence which was not available to the petitioners even after exercise of due diligence;
- iii) for any other sufficient reason.

The grounds adduced in the R.A. are not covered by any of the statutory exceptions provided in Order XLVII of the Code of Civil Procedure. Further the judgement was sent to the respondents in O.A. vide Registry letter dated 22.1.1993 which should have reached the respondents not later than 1.2.1993, reckoning that 30 and 31st were close days and this R.A. has been filed on 7.4.93. Thus the petition has been filed well after the expiry of 30 days.

In view of the above the petition is not maintainable having been filed well beyond the period of 30 days prescribed for filing a review petition. It is also not legally sustainable as the grounds adduced are not covered by the statutory exceptions provided in Order XLVII of the Code of Civil Procedure. The R.A. is accordingly rejected in circulation.

I.K. Rasgotra
(I.K. Rasgotra)
Member(A)

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