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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI
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R.A. No.227/92 in O.A. No.701/91 Date of Decision :

14.8.92

Union of India & Ors. Vs. Shri P.S. Chohan

ORDER

This is a Review Application by Union of India against the judgement dt. 29.1.1992. In the said judgement, the following directions were issued to the respondent :-

- (a) The respondents are directed to post the applicant by transfer from Bikaner to a post of the status and cadre of the applicant at Delhi on the priority basis on the first available and suitable vacancy irrespective of the fact that the applicant belongs to IRTS.
- (b) The respondents are further directed to allow the applicant to retain the allotted premises 23-B, Northern Railway Colony, Sardar Patel Marg, New Delhi so long as the applicant remains posted at Delhi after transfer from Bikaner on payment of usual premium for use and occupation according to Rules provided further that the applicant shall give up his claim for a Type V house in Bikaner. The respondents are directed to comply with the above directions within a period of 4 months and in the circumstances, the parties shall bear their own costs.

2. The petitioner, Union of India has urged certain new grounds. It is not disputed that the applicant belonged to Indian Railway Traffic Service. The directions issued by the Tribunal do not at all go against the statutory Rules. Only what the petitioner wants is that the words appearing in the directions, 'irrespective of the fact that the applicant belongs to IRTS' may be substituted by suitable words. However, this is no ground for reviewing the judgement. It is not disputed that the applicant is eligible for posting in a

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general post also. The posting of the applicant to a cadre post at Delhi has been issued on the basis of the arguments advanced by the learned counsel for the applicant and looking to the pleadings of the respondents.

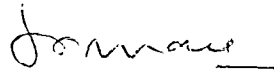
3. As provided by Section 23(3)(f) of the Act, the Tribunal possesses the same powers of review as are vested in a civil court while trying a civil suit. As per the provisions of Order XLVII, Rule 1 of the Code of Civil Procedure, a decision/judgement/order can be reviewed :

(i) if it suffers an error apparent on the case 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".

4. We are, therefore, of the opinion that there is nothing to review the judgement and dismiss the same by circulation.


(J.P. SHARMA)
MEMBER (J)

11.8.72


(S.P. MUKERJI)
VICE CHAIRMAN (A)